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Sixth periodic reports of States parties due in 2010

Canada*

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List of abbreviations

AAHB	Alberta Adult Health Benefit
ACHB	Alberta Child Health Benefit
AEPA	Agricultural Employees Protection Act (Ontario)
AHI	Affordable Housing Initiative
AHRDA	Aboriginal Human Resources Development Agreement (British Columbia)
AHRDS	Aboriginal Human Resources Development Strategy
AISH	Assured Income for the Severely Handicapped (Alberta)
ASETS	Aboriginal Skills and Employment Training Strategy
BC	British Columbia
CCTB	Canada Child Tax Benefit
CDB	Child Disability Benefit
CHRA	Canadian Human Rights Act
CHT	Canada Health Transfer
CMHC	Canada Mortgage and Housing Corporation
CPI	Consumer Price Index
CPNP	Canada Prenatal Nutrition Program
CSIS	Canadian Security Intelligence Service
CST	Canada Social Transfer
EEA	Employment Equity Act
EHO	Environmental Health Officer
EI	Employment Insurance program
ELCC	Early Learning and Child Care Plan (Newfoundland and Labrador)
EPO	Emergency Protection Order
ETW	Expected to Work (Alberta)
FASD	Fetal Alcohol Spectrum Disorder
FNCFS	First Nations Child and Family Services
FSL	French-as-a-Second-Language
FVU	Family Violence Unit (British Columbia)
GDP	Gross Domestic Product
GIS	Guaranteed Income Supplement
GNWT	Government of the Northwest Territories
HPS	Homelessness Partnering Strategy
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IEIP	Intensive Early Intervention Program (Ontario)
IOC	International Olympic Committee
LICO	Low-income cut-off
LMAPD	Labour Market Agreement for Persons with Disabilities
MBM	Market Basket Measure
MN-S	Métis Nation – Saskatchewan
MSA	Métis Settlement Act

MHSS	Minister of Health and Social Services (Quebec)
NCB	National Child Benefit
NCBS	National Child Benefit Supplement
NGO	Non-governmental organization
NITHA	Northern Inter-Tribal Health Authority (Saskatchewan)
NLCB	Newfoundland and Labrador Child Benefit
NSCB	Nova Scotia Child Benefit
NWT	Northwest Territories
OAS	Old Age Security
OCB	Ontario Child Benefit
ODARA	Ontario Domestic Assault Risk Assessment tool
ODSP	Ontario Disability Support Program
ODSPA	Ontario Disability Support Program Act, 1997
OHIP	Ontario Health Insurance Plan
PEI	Prince Edward Island
PRIDE	Prevention, Respect, Intervention, Development and Education program (PEI)
QIL	Qualifying Income Levels (Alberta)
QPIP	Quebec Parental Insurance Plan
RCMP	Royal Canadian Mounted Police
RDSP	Registered Disability Savings Plan
RESP	Registered Education Savings Plan
RPSP	Representative Public Service Plan (Yukon Territory)
RQHR	Regina Qu'Appelle Health Region (Saskatchewan)
RRAP	Residential Rehabilitation Assistance Program
SAP	Saskatchewan Assistance Program
SCB	Saskatchewan Child Benefit
SCHF	Small Community Homeless Fund (Northwest Territories)
TEA	Transitional Employment Allowance (Saskatchewan)
TFW	Temporary Foreign Worker (Alberta)
TFWP	Temporary Foreign Worker Program
TILMA	Alberta-British Columbia Trade, Investment and Labour Mobility Agreement
UCCB	Universal Child Care Benefit
UTFW	Unskilled temporary foreign workers (Quebec)
VANOC	Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games
WEAAD	World Elder Abuse Awareness Day
WEPP	Wage Earner Protection Program
WITB	Working Income Tax Benefit
YPA	Youth Protection Act (Quebec)
YWCA	Young Women's Christian Association

I. Introduction

1. The present report outlines key measures adopted in Canada from January 2005 to December 2009 (with occasional references to developments of special interest that have occurred since) to enhance its implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

2. The following report focuses on selected key issues where there are significant new developments and where information is not already provided within reports under other conventions to which Canada is a party. Where detailed information is available in other reports, these reports are referred to but, with few exceptions, the information is not repeated in this report.

3. The key issues addressed in this report were primarily identified for inclusion through an examination of the May 2006 Concluding Observations of Canada's Fourth and Fifth Reports on the IESCR by federal departments and the Continuing Committee of Officials on Human Rights, the principal federal-provincial-territorial body responsible for intergovernmental consultations and information sharing on the ratification and implementation of international human rights treaties. Among these issues are the following: economic and social policy issues, employment, poverty, social security, housing and homelessness, health care, disability issues and family violence.

4. The views of non-governmental organizations (NGO) were also sought with respect to the issues to be covered in this update report. Of the more than 200 NGOs that were invited to provide their views, the following organizations responded to the invitation: the Young Women's Christian Association-Canada (YWCA-Canada), the Canadian Association of Social Workers and the Canadian Centre for Victims of Torture.

5. The issues identified by YWCA-Canada included: social policy; housing and homelessness; labour issues; access to legal aid; education; child care; Aboriginal issues, including matrimonial property reform; family violence; and violence against women. Foremost was the need for gender-based analysis by governments in every aspect of policy development.

6. The Canadian Association of Social Workers, for its part, called for special attention to immigration, settlement and other issues related to the needs of new Canadians.

7. The Canadian Centre for Victims of Torture had praise for Canada's general compliance with articles 2, 6, 7 and 13 of the ICESCR, but expressed concern over reductions in federal settlement funding for immigrants; access to settlement funds for refugee claimants; regulatory impediments to accessing work and post-secondary education for refugees with the status of Protected Person; access to education for their children; and the situation of refugees whose status remains in limbo for a long period of time. The organization recommended that an independent ombudsman's office be created, with a mandate to oversee the department of Citizenship and Immigration and the Canada Border Services Agency.

8. The following statistical and reference documents are being submitted with the present report:

- Statistics Canada's *A Statistical Profile on the Health of First Nations in Canada* (2009) (www.hc-sc.gc.ca/fniah-spnia/pubs/aborig-autoch/index-eng.php);
- Statistics Canada's Educational Portrait of Canada, 2006 Census (www12.statcan.ca/census-recensement/2006/as-sa/97-560/index-eng.cfm?CFID=3536277&CFTOKEN=59908366);

- Statistics Canada's *Family Portrait: Continuity and Change in Canadian Families and Households in 2006, 2006 Census* (www12.statcan.gc.ca/census-recensement/2006/as-sa/97-553/p43-eng.cfm).

9. A review of relevant jurisprudence is annexed to the present report (annex I).

10. The Concluding Observations of the Committee on Economic, Social and Cultural Rights and Canada's previous reports were provided to all federal departments and provincial and territorial governments. Canada's reports are available to the public on the Web site of the Department of Canadian Heritage at www.pch.gc.ca/pgm/pdp-hrp/docs/index-eng.cfm.

11. Detailed information about the implementation of human rights in Canada and Canadian federalism can be found in Canada's Fourth Report on the ICESCR (www.pch.gc.ca/ngm/pdp-hrp/docs/icescr_pidesc/index-eng.cfm), as well as Canada's Core Document (www.pch.gc.ca/pgm/pdp-hrp/docs/core-eng.cfm).

The Canadian economy

12. The Canadian economy was significantly affected by the worldwide recession. The global financial crisis, together with the decline in global trade, reduced Canadian exports and weakened business and consumer confidence, lowering output and employment. The contractions in output and employment in Canada were less severe than in most other major industrialized countries, partially reflecting Canada's strong fundamentals going into the recession. In response to improvements in global financial and economic conditions since early 2009, as well as domestic stimulus measures, the Canadian economy has started to recover.

13. Over the past decade, Canada has maintained a strong fiscal position seeing its total government net debt-to-Gross Domestic Product (GDP) ratio decline through most of the decade. By 2008, the total government net debt-ratio had fallen to 22.4 percent, less than one third of its 1995 peak. Ongoing surpluses and a low and declining debt ratio placed Canadian governments in a strong position at the onset of the global recession and gave them a great deal of fiscal flexibility with which to respond to it.

14. Reflecting the onset of the recession in Canada in late 2008, the Government of Canada recorded a budgetary deficit of $5.8 billion, or 0.4 percent of GDP, in 2008-2009. A deficit of $53.8 billion, or 3.5 percent of GDP, is projected for 2009-2010, reflecting the full impact of the economic recession and stimulus actions implemented in Canada's Economic Action Plan (discussed in more detail below).

15. The 2010 federal budget announced a three-point plan for returning to balance over the medium term. First, temporary measures under the Economic Action Plan will wind down as scheduled. Second, spending growth will be restrained through a number of targeted measures, including restraining growth in defence spending and freezing departmental operating budgets at 2010-2011 levels for two years. Targeted initiatives announced in the 2010 budget are in addition to structural measures implemented alongside the stimulus measures in the 2009 budget that included a limit on wage increases for the federal public administration and restraint on the growth in transfers to provinces under the Equalization program. Third, the 2010 budget announced a comprehensive review of administrative functions and overhead costs that will identify opportunities for additional future savings and improved service delivery. The Economic Action Plan is found at: www.budget.gc.ca/2009/plan/bptoc-eng.html.

16. The fiscal position of the provinces and territories has also deteriorated since the onset of the recession, with an aggregate deficit of $29.9 billion, or 2.0 percent of GDP,

forecast for 2009-2010 and all but one jurisdiction expected to be in a deficit situation. In their 2010 budgets, all but one of the provinces in deficit have presented a plan to return to balance over the medium term.

17. Following three consecutive quarterly contractions, Canadian real GDP increased in the second half of 2009. Led by a rebound in final domestic demand, real GDP increased by 0.9 percent in the third quarter of 2009 and by 5.0 percent in the fourth quarter.

1. Measures to address the impact of the global economic recession

18. With regards to employment measures, Budget 2009 – Canada's Economic Action Plan – provided $8.3 billion for the Canadian Skills and Transition Strategy, which invested to strengthen benefits for Canadian workers, including enhancements to Employment Insurance and additional funding for skills and training development.

19. Budget 2009 also provided support to Canadian workers affected by the global economic downturn by:

- Temporarily increasing all regular Employment Insurance (EI) benefit entitlements for two years by an extra five weeks and increasing the maximum benefit duration to 50 weeks from 45 weeks;
- Temporarily extending EI income benefits for Canadians participating in longer-term training, benefiting up to 10,000 workers;
- Expanding the Work-Sharing Program by extending work-sharing agreements by 14 weeks, to a maximum of 52 weeks, so more Canadians can remain employed;
- Extending the Wage Earner Protection Program to cover severance and termination pay owed to eligible workers impacted by the bankruptcy of their employer;
- Developing options to provide the self-employed with access to EI maternity and parental benefits; and
- Keeping EI premium rates frozen for both 2009 and 2010, which was projected as a $4.5 billion stimulus relative to break-even rates.

20. The budget also supported skills development by:

- Increasing funding for training delivered through the EI program Labour Market Development Agreements by $1 billion over two years;
- Investing $500 million over two years in a Strategic Training and Transition Fund to support the particular needs of individuals who do not qualify for EI training, such as the self-employed or those who have been out of work for a long time;
- Providing $95 million over two years to help young Canadians find summer jobs and to develop the skills and experience necessary to transition into the workforce;
- Supporting older workers and their families with an additional $60 million over three years under the Targeted Initiative for Older Workers for projects improving workers' employability and delivering employment services;
- Responding to skilled labour shortages with $40 million a year to launch the Apprenticeship Completion Grant which provides a $2,000 taxable benefit grant for people who complete a first or second year apprenticeship within the trades;
- Providing $50 million over two years for a pan-Canadian foreign qualification recognition framework in partnership with provinces and territories;

- Investing an additional $100 million over three years in the Aboriginal Skills and Employment Partnership initiative to support the creation of 4,000 jobs for Aboriginal Canadians; and
- Investing $75 million in a two-year Aboriginal Skills and Training Strategic Investment Fund.

21. In October 2009, an Act to amend the Employment Insurance Act and to increase benefits came into force providing temporary assistance to more than 500,000 long-tenured workers by making between five to 20 weeks of additional benefits available.

2. Impact on employment[1]

22. Canada shed almost 427,900 jobs from the start of the recession in October 2008 to July 2009, the employment trough of the recession. After July 2009, labour market conditions improved markedly in Canada, with more than 368,600 jobs being created from July 2009 to August 2010. Over the same period, the employment rate rose from 61.3 percent to 61.8 percent.

23. By August 2010, the unemployment rate had declined to 8.1 percent from a peak of 8.7 percent in August 2009.

Table 1
Labour market indicators (15 years and over), both sexes, seasonally adjusted

	October 2008	*July 2009*	*August 2010*
Employment	17,175,100	16,747,200	17,115,800
Employment rate	63.5%	61.3%	61.8%
Unemployment	1,113,800	1,575,400	1,506,200
Unemployment rate	6.1%	8.6%	8.1%

24. **Sector/Region**: The impact of the recession was uneven across regions and sectors in Canada. The provinces of Ontario, Alberta, Quebec and British Columbia were hit hardest by the recent recession, with more than half of all job losses occurring in Ontario. The goods sector was most severely impacted, accounting for 88 percent of all job losses; manufacturing job losses alone accounted for over half (53 percent) of all job losses. The service sector suffered much less, as some service industries experienced job gains during the recession.

25. **Age and gender**: Men were much more severely affected by job loss than women during the recession, accounting for three quarters of net job losses. They also recovered from their job losses more slowly than women. Youth aged 15 to 24, especially young men, were severely impacted compared to other age groups. Young people experienced the steepest decline in employment rates during the recession, and their employment rates recovered more slowly than those of other age groups. Among core age workers (25-54), men lost almost twice as many jobs as women. Older workers (55 years and over) fared best, especially older women, whose employment rates continued to rise throughout the recession.

[1] Statistics Canada's *Labour Force Survey* is the source of all data on employment reported in this section.

26. **Educational attainment**: Educational attainment was a key determinant of labour market performance during the recession. Workers with less than secondary school education were highly disproportionately represented in recession job losses. They experienced steep declines in employment rates, which remained well below their pre-recession rates throughout 2010. On the other hand, workers with a university degree fared best, experiencing only minor declines in employment rates.

Table 2

Employment change by gender and age group, October 2008-December 2009, seasonally adjusted

Gender and age group	*# of net job losses (-)/gains(+) October 2008 to July 2009*	*# of net job losses (-)/gains(+) July to December 2009*
Women 55+	+63,300	+14,400
Men 55+	+22,800	+34,100
Women 25-54	-97,900	+51,600
Women 15-24	-74,400	+10,200
Men 25-54	-192,000	-1,400
Men 15-24	-149,900	-9,000

Table 3

Employment rates by gender and age group, October 2008-December 2009, seasonally adjusted

		Employment rates (%)		
Gender	*Age group*	*October 2008*	*July 2009*	*December 2009*
Men	15 years and over	68.1	65.1	64.8
	15-24 years	59.1	52.8	52.0
	25-54 years	86.5	83.3	83.2
Women	15 years and over	59.2	57.9	58.1
	15-24 years	59.8	56.4	56.8
	25-54 years	78.2	76.6	77.0

Table 4

Unemployment rates by gender and age group, October 2008-December 2009, seasonally adjusted

		Unemployment rates (%)		
Gender	*Age group*	*October 2008*	*July 2009*	*December 2009*
Men	15 years and over	6.7	9.8	9.6
	15-24 years	13	18.5	19.1
	25-54 years	5.4	8.3	8.1
Women	15 years and over	5.7	7.3	7.1
	15-24 years	11.2	13.6	12.8
	25-54 years	4.5	6.2	6.1

27. New labour market entrants (recent immigrants and youth), persons with less than a high school education, and Aboriginal Canadians were the groups most likely to experience job loss during the recession; these groups have also recovered more slowly than other Canadians. For example, recent immigrants (five years or less in Canada), especially men, were over-represented among net job losses. However, established immigrants (more than five years in Canada) gained jobs between October 2008 and October 2009.

Table 5

Employment variations for selected groups, October 2008-October 2009, seasonally unadjusted

Vulnerable groups	*Job losses (-) or gains(+) October 2008 to October 2009*	*Job losses (-) or gains(+) as % of total losses October 2008 to October 2009*
Recent immigrants (5 years or less in Canada)	-56,700	+16.6
Workers with less than secondary school education	-121,400	+31.4
Youth 15-24	-218,100	+58.8
Aboriginal people (off-reserve)	-20,300	+5.9
Workers with secondary school or some post-secondary education	-173,900	+45.0
Older workers 55 and over	96,100	-44.1
Established immigrants (5 years + in Canada)	15,300	-4.5

3. Federal transfers to provinces and territories

28. As reported in the Fifth Report on the ICESCR, in October 2004, Canada's First Ministers[2] agreed to change both Equalization and Territorial Formula Financing to ensure that overall levels of funding will be guaranteed and not subject to fluctuations from changes to economic data.

29. In 2006, the Government of Canada committed to consult provinces and territories, parliamentarians, academics and experts, and individual Canadians on its approach to restoring fiscal balance. Its subsequent budget provided provinces, territories and municipalities with more than $39 billion over seven years in long-term, equitable and predictable funding for shared priorities including infrastructure, health care, post-secondary education, child care and social services.

30. As part of restoring fiscal balance, Budget 2007 implemented many of the recommendations set out in the report of the Expert Panel on Equalization and Territorial Formula Financing, known as the O'Brien report[3], and provided comparable treatment for all Canadians in other major federal transfers outside of Equalization and Territorial Formula Financing. In addition, Budget 2007 legislated an equal per capita cash allocation for the Canada Social Transfer (CST) in 2007-2008 and legislated the Canada Health Transfer (CHT) to move to equal per capita cash in 2014-2015 after current funding arrangements related to the 2004 Ten-Year Plan to Strengthen Health Care expire. It also ensured that Equalization-receiving provinces should have the necessary resources to

[2] "First Ministers" includes the Prime Minister of Canada, provincial premiers and territorial leaders.

[3] The report's Web address is: www.eqtff-pfft.ca/epreports/EQ_Report_e.pdf.

provide reasonably comparable programs and services at reasonably comparable levels of taxation, and returned Territorial Formula Financing to a principles-based formula.

31. Specifically related to the CST, the 2007 changes enhanced the stability and predictability of support provided to provinces and territories through this transfer by extending its legislated funding framework to 2014-2015. In Budget 2007, the Government of Canada made new investments in the transfer. In addition to the legislated base increase of $300 million in 2007-2008 an additional $687 million was added to facilitate the move to equal per capita cash support effective in 2007-2008. Further investments of $800 million for post-secondary education and $250 million for the creation of new child care spaces were announced for the CST for 2008-2009. In addition, the Government of Canada legislated an automatic escalator, effective in 2009-2010, to grow the cash base by 3 percent annually up to 2013-2014.

32. By 2008-2009, support through the Equalization program had grown 55 percent since 2003-2004. In Budget 2009, the Government of Canada put Equalization on a sustainable growth track, ensuring that it grows in line with the economy. The growth path is based on a three-year moving average of GDP growth. Furthermore, a new fiscal capacity cap based on the average fiscal capacity of receiving provinces was implemented, and transition payments were made in 2009-2010 to ensure that a province that received Equalization in that year would receive no less than its payments for 2008-2009.

33. In December 2009, the Government of Canada announced protection payments totalling $525 million to ensure that no province experiences a decline in its total major transfer entitlements in 2010-2011, in recognition of the short-term challenges being faced by provinces as the country emerges from the global recession.

34. In 2010-2011, major federal transfers to provinces and territories will total nearly $54.2 billion, an increase of $18 billion or 50 percent since 2004-2005. This includes transfers for health care through the CHT, CST cash support to provinces and territories, and increases to the Equalization Program and to Territorial Formula Financing.

4. Significant cross-jurisdictional initiatives

(a) Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications

35. On November 30, 2009, federal, provincial and territorial governments announced the Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications. The Framework ensures that foreign qualification recognition processes and practices are fair, transparent, timely and consistent across Canada. Its website is: www.hrsdc.gc.ca/eng/workplaceskills/publications/fcr/pcf.shtml.

(b) Alberta-British Columbia Trade, Investment and Labour Mobility Agreement

36. The labour mobility obligations of the Alberta-British Columbia Trade, Investment and Labour Mobility Agreement (TILMA) and amendments to Chapter 7 of the pan-Canadian Agreement on Internal Trade came into force in April 2009 and August 2009 respectively. Under TILMA, Alberta and British Columbia agreed to reconcile or mutually recognize occupational standards for those occupations regulated in both provinces where the scope of practice was similar. As of April 1, 2009, more than 100 occupations have full labour mobility between Alberta and British Columbia. TILMA is available online at: www.tilma.ca/pdf/TILMA_Agreement_April2009.pdf.

(c) Minimum wage rates in Canada

37. Employment standards legislation makes it an offence for employers to pay employees less than the minimum wage, whether remuneration is calculated on an hourly, daily, weekly, monthly, or piece-work basis. It is also normally an offence for employees, in collusion with their employer, to work for less than the minimum wage rate or to reduce their wages below the legislated standard by directly or indirectly returning part of their pay. Parties are prohibited from contracting out of the minimum wage.

38. Women are more likely to work for minimum wage than men: they represented 60 percent of minimum wage workers in 2009. In the same year, close to two-thirds of minimum wage workers were under the age of 25, while this group represented only 17 percent of all employees. Minimum wage workers are concentrated in the service sector (92 percent) and the incidence of minimum wage work is six times higher among part-time workers than full-time workers. Most minimum wage workers (almost 60 percent) live with their parents or with another family member.

Table 6
General minimum wage rates in Canada, by jurisdiction
(Some jurisdictions have scheduled future increases)

Jurisdiction	*Effective Date*	*Wage Rate*
Canada[4]	Since December 1996	Provincial or territorial rate
British Columbia	November 2001	$8.00
Alberta	April 2008 to 2009	$8.40 to 8.80
Saskatchewan	May 2008 to May 2009	$8.60 to 9.25
Manitoba	April 2008 to Oct. 2009	$8.50 to 9.00
Ontario	March 2008 to March 2010	$8.75 to 10.25
Quebec	May 2008 to May 2009	$8.50 to 9.00
New Brunswick	March 2008 to Oct. 2009	$7.75 to 8.25
Nova Scotia	May 2008 to Oct. 2010	$8.10 to 9.65
Prince Edward Island	Oct. 2008 to Oct. 2009	$8.00 to 8.40
Newfoundland and Labrador	Jan. 2009 to July 2010	$8.50 to 10.00
Northwest Territories	December 2003	$8.25
Yukon	April 2008	$8.58
Nunavut	September 2008	$10.00

Source: Human Resources and Skills Development Canada, Income Security & the Labour Program; and Statistics Canada, *Minimum Wage*, Perspectives on Labour and Income, March 2010. The website is found at: www.hrsdc.gc.ca/eng/learning/canada_student_loan/policies/nat/pmw.shtml.

(d) Health care

39. Under the 2004 Ten-Year Plan to Strengthen Health Care, to support First Ministers' commitments, the Government of Canada agreed to transfer an additional $41.3 billion to provinces and territories over the ten years, chiefly through the Canada Health Transfer (CHT), including an additional $5.5 billion targeted to wait times reduction and $500 million for medical equipment. As part of this fiscal commitment, beginning in 2006-

[4] The minimum wage rate in effect for employers whose activities are under federal jurisdiction is that of the province or territory where the work is performed.

2007, the cash portion of the CHT has been subject to an automatic escalator of 6 percent annually. In 2011-2012, these transfers amount to $26.95 billion in cash support to provinces and territories.

40. All jurisdictions have made targeted efforts to reduce wait times. The Health Council of Canada, the Wait Times Alliance, the Canadian Medical Association, and the provinces and territories all report progress. The March 2010 Canadian Institute for Health Information (the Institute) wait times report shows that, with variation across clinical areas and jurisdictions, most Canadians received care for priority areas within recommended wait times benchmarks. The report may be found at the following address: www.cihi.ca/cihiweb/dispPage.jsp?cw_page=media_20100324_e.

41. There has also been an increase in the supply of health professionals in Canada. The Institute reports an 8.0 percent increase in the number of physicians between 2004 and 2008. First-year medical school enrolment has grown steadily since 1998 (increase of 73 percent) with an increase of 25 percent observed between 2004 and 2009. The Institute also reported a regulated nursing workforce increase of 8.3 percent between 2004 and 2008.

42. Since 2001, federal investments in the development of electronic health records through investments in the Canada Health Infoway total $2.1 billion. Examples of progress include the increasing use of digital imaging; implementation of drug information systems, which reduces inappropriate prescriptions and helps identify drug interactions; and development of telemedicine to improve access to health services in rural and remote areas.

(e) Family Violence

43. The Government of Canada continues to apply a public health approach to family violence prevention. For example, it recently identified and is promoting – through the Canadian Best Practices Portal on Health Promotion and Chronic Disease Prevention – more than a dozen best/promising practices for the primary and secondary prevention of family violence. These may be found online at: cbpp-pcpe.phac-aspc.gc.ca/.

44. Federal, provincial and territorial players work in partnership to facilitate the enhancement of Canada's shelter system. Recent improvements include mobile training for shelter workers, new shelter construction, and addition of beds/units to existing shelters in provinces and territories, as well as for First Nations on reserve.

45. Relevant Criminal Code reforms include:

- Preventing the use of "house arrest" for offences involving serious personal injury, including for sexual assault and aggravated sexual assault (December 2007);
- Strengthening the legal framework governing dangerous offenders (July 2008);
- Increasing mandatory minimum penalties for serious offences involving the use of a firearm such as attempted murder, discharging a firearm with intent, sexual and aggravated sexual assault, and kidnapping (May 2008);
- Expanding the use of testimonial aids and other measures designed to make it easier for vulnerable victims and witnesses, such as women and children who have experienced violence, to provide testimony during criminal proceedings (January 2006); and
- Raising the age of sexual consent from 14 to 16 years to protect all 14- and 15-year-old youth from sexual exploitation by adult predators (May 2008).

46. Since 2004, the Royal Canadian Mounted Police, Canada's national police force, has supported 43 educational initiatives to enhance the proficiency of front-line responders, service agencies and communities in responding to incidents of family violence. Seventeen

additional initiatives have also been funded for the production of tools and resources to raise awareness and support victims in communities across Canada. Additional information can be found in the provincial/territorial sections of this report.

(f) Housing

47. The majority of Canadians live in affordable, adequate, suitable dwellings that contribute to their quality of life. However, based on 2006 national Census information, approximately 1.5 million households – 12.7 percent – were in "Core Housing Need". Canada's Fourth Report on the ICESCR (paragraph 333) describes the Core Housing Need model used to determine whether a household's housing is considered adequate, suitable and affordable.

48. According to the 2006 Census, Canada's total housing stock is comprised of 13.6 million dwelling units. The number of persons per dwelling is 2.5 persons. The predominant form of dwelling remains the single detached home, accounting for 55.3 percent of privately occupied dwellings.

49. In Canada, most households can afford adequate and suitable housing through the private market. More than two thirds (68.4 percent in 2006) of Canadian households own their own homes. Canadian social housing and rental assistance programs, which are geared towards those whose needs are not met (without public assistance) by the private market, account for approximately 6 percent of the total occupied stock. As well, a number of Canadians receive direct and/or indirect housing support through a variety of income security programs offered by both the national and provincial/territorial levels of government.

50. The Government of Canada is undertaking a number of important measures to address the housing needs of all Canadians in collaboration with other levels of government and NGOs. For example, through the Canada Mortgage and Housing Corporation (CMHC), the Government of Canada provides annual ongoing funding of $1.7 billion to support existing social housing, mostly developed between 1946 and 1993, so that 620,000 households, including families, can continue to access housing they can afford. Ongoing subsidies help ensure that lower-income households living in these units do not pay a disproportionate amount of their income on housing. Most administrative arrangements relating to social housing programs and delivery are governed by federal- provincial/ territorial agreements.

51. The Government of Canada also spends approximately $277 million a year to address housing needs of Aboriginals on-reserve. CMHC's annual funding currently supports the construction of an estimated 800 new homes, the renovation of some 1,000 existing houses, ongoing subsidy of some 29,100 households and an investment in capacity building for First Nations peoples living on-reserve. Approximately $151 million is spent annually by CMHC to support the housing needs of Aboriginal households off-reserve.

52. The 2006 Federal Budget provided for the establishment of housing trust funds for provinces and territories to invest in affordable housing. This one-time investment included an Affordable Housing Trust of $800 million; a Northern Housing Trust of $300 million; and a trust for Off-Reserve Aboriginal Housing of $300 million. These trusts assisted Canadians in finding safe affordable housing, including increasing the supply of transitional and supportive housing. The Trusts expired on March 31, 2009.

53. In December 2006, the Government of Canada announced $526 million over two years for housing renovation and homelessness programs. This included an investment of $270 million over two years for the new Homelessness Partnering Strategy aimed at combating homelessness in communities across Canada. The announcement also included an investment of $256 million for CMHC's renovation assistance programs for low-income

households, including families with children. The housing renovation assistance programs, including the Residential Rehabilitation Assistance Program (RRAP), help preserve the existing stock of affordable housing.

54. Building on the December 2006 investment announcement, in September 2008, the Government of Canada approved total funding $1.9 billion over five years, to March 31, 2014, for housing and homelessness programs. With this funding, CMHC's Affordable Housing Initiative (AHI)[5], the housing renovation programs, including RRAP, and the Homelessness Partnering Strategy were renewed for two years. This five-year funding ensures that the programs continue to respond effectively to the needs of Canadians. As of June 30, 2010, some $1.13 billion has been committed and/or announced under the AHI, for the provision of 48,537 units across Canada.

55. In addition to these investments, the Government of Canada announced through its 2009 Economic Action Plan an additional one-time investment of more than $2 billion over two years to build new, and repair existing social housing. This funding included:

- $1 billion to support repairs to existing social housing ($850 million cost-matched with provinces and territories, and $150 million for existing social housing administered by CMHC);
- $600 million for new housing and repairs to existing housing on-reserve ($400 million) and in the North ($200 million);
- $400 million to build new affordable housing for seniors; and,
- $75 million for new affordable housing for persons with disabilities.

56. Evaluations of the AHI and renovation programs confirmed that the AHI program was effective in increasing the supply of affordable housing, an increase that would not have occurred without the initiative. The renovation programs were effective in extending the useful life of the buildings receiving assistance and improved the ability of persons with disabilities to engage in daily activities and improved satisfaction with their housing. (See Government of Canada section for more information on direct housing measures.)

57. In addition to the above housing measures, federal, provincial and territorial social assistance programs provide either explicit (through a shelter component) or implicit support to the housing costs of assistance recipients. This is the principal means by which low-income households receive housing subsidies.

(g) Persons with disabilities

58. Through the bilateral Labour Market Agreements for Persons with Disabilities, the Government of Canada transfers funding to provinces for cost-shared programming that improves the employment situation of persons with disabilities. It contributes 50 percent of costs, to a specified maximum, for eligible programs and services that enhance the employability of persons with disabilities, increase the employment opportunities available to them and build on the knowledge base. Over 300,000 persons with disabilities are assisted annually. Annual funding stands at $223 million.

59. The Opportunities Fund for Persons with Disabilities program assists persons with disabilities having little or no labour market attachment to prepare for, obtain and maintain employment or self-employment. The Fund's annual budget is $30 million. Since the

[5] For more information on the Affordable Housing Initiative (AHI), see Article 11: Right to an Adequate Standard of Living in Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights.

program's inception in 1997, over 58,000 persons with disabilities have been served. Since 2003-2004, close to 11,000 participants have become employed/self-employed. The Summative Evaluation of the Opportunities Fund (May 2008) reported positive results for a broad spectrum of persons with disabilities and is available at www.hrsdc.gc.ca/eng/publications_resources/evaluation/2008/ofpd/page01.shtml.

60. Information on provincial and territorial government programs and supports for persons with disabilities can be found in the respective government sections of this report.

(h) Right to safe drinking water and basic sanitation

61. On June 22, 2012, Canada provided an explanation of its position on the right to safe drinking water and basic sanitation to the United Nations Conference on Sustainable Development (Rio +20 Conference), further information on which is attached as an annex to this report (annex II).

II. Measures adopted by the Government of Canada

Article 2: Rights specifically subject to non-discrimination provisions

1. Repeal of Section 67 of the Canadian Human Rights Act

62. The Canadian Human Rights Act (CHRA) governs employment and the provision of goods and services by the Government of Canada and federally regulated businesses. In June 2008, Bill C-21 received Royal Assent, repealing section 67 of the CHRA and extending human rights protection under the CHRA to First Nations people registered under the Indian Act. The Canadian Human Rights Commission can now accept complaints against the Government of Canada relating to actions pursuant to the Indian Act that were previously exempted. The new law provides for a three-year transition period before complaints can be received against First Nations governing authorities.

63. The new law also includes a non-derogation clause, to provide that the repeal of section 67 should not be construed so as to abrogate or derogate from the protection provided for existing Aboriginal treaty rights under section 35 of the Constitution Act, 1982. In addition, an interpretive provision provides that consideration must be given to the legal traditions and customs of First Nations to the extent that they are consistent with the principles of gender equality when considering complaints against First Nations governments related to the Indian Act.

2. Court Challenges Program

64. With respect to the recommendation of the Committee on Economic, Social and Cultural Rights concerning the Court Challenges Program, following a review of all federal programs in 2006, the Government of Canada eliminated the Program.

65. In 2009, the Government of Canada created the Language Rights Support Program, which promotes awareness of language rights through public education, offers access to alternative dispute settlement methods aimed at reaching out of court agreements, and supports litigation that helps advance and clarify linguistic rights when test cases are involved and mediation has not proven successful.

Article 6: Right to work

66. In May 2009, a Web page was implemented linking employers to information on hiring marginalized Canadians in order to encourage employers to hire immigrants, Aboriginal people, seniors, youth and persons with disabilities.

1. Temporary Foreign Worker Program

67. Since 2008, allegations of employer abuse of the Temporary Foreign Worker Program (TFWP) have been addressed through an aggressive program of employer compliance reviews, with monitoring and compliance activities underway in every province and territory except Québec (in recognition of Québec's unique, joint role in permanent and temporary immigration).

68. The goal of employer compliance reviews under the Expedited Labour Market Opinion Pilot, in place between September 2007 and April 2010, was to establish a consistent and defensible review process of program compliance, including clear criterion for denial of service. These reviews led to the April 2009 voluntary Monitoring Initiative that provides an opportunity for employers to demonstrate their compliance with the terms of the offers of employment to temporary foreign workers under the TFWP, failing which their right to benefit from the program will be revoked.

69. Since 2008, information sharing agreements have been signed or are in development with the provinces and territories in order to strengthen worker protection and hold employers accountable for not complying with the rules.

70. As of May 2009, a labour market opinion is valid to support a foreign worker's work permit application for a maximum period of six months after it is issued to ensure it still reflects the labour market condition. To ensure that third parties cannot submit fraudulent labour market opinions, certified identification is required from employers, and opinions will be issued only to employers.

2. Wage Earner Protection Program

71. The Wage Earner Protection Program (WEPP), in effect since July 2008, is a national income assistance program that provides certain and timely reimbursements of wages and vacation pay owed to workers who lose their job as a result of employer bankruptcy or receivership. Prior to the WEPP, the average worker had to wait up to three years after the bankruptcy to receive any payment, receiving on average only 13 cents on the dollar.

72. The WEPP guarantees payment to workers of their unpaid wages, up to $3,323, earned in the six months preceding the bankruptcy or receivership of their employer. The payment cap is raised annually in line with the overall cost of living. In January 2009, coverage was extended to include termination and severance pay in addition to any core wages (that is, vacation pay) owed to workers.

73. Between July 2008 and March 31, 2010, there have been a total of 23,533 applicants and a total of $39.56 million has been issued to eligible recipients, with average payments of $2,081. The WEPP has particularly helped workers employed in smaller companies that are more prone to insolvency.

3. Employment equity

74. The federal Employment Equity Act (EEA) seeks to achieve equitable representation in federal workplaces for four designated groups: women; Aboriginal people; persons with disabilities; and members of visible minorities. It covers federally

regulated private-sector employers and Crown corporations, the federal public service, separate public sector employers, the Royal Canadian Mounted Police (RCMP), the Canadian Security Intelligence Service (CSIS) and the Canadian Forces. The Federal Contractors Program covers provincially regulated employers who receive federal contracts of $200,000 or more.

75. Since the EEA came into force in 1986, there has been steady and gradual progress in the employment situation of the four designated groups in both the public and private sectors.

Table 7
Representation of Designated Groups in the Federally Regulated Private Sector (2007)[6]

Designated group	*Representation (%)*	*Labour Market Availability (%)*	*Gap (%)*
Women	42.7	47.9	-5.2
Aboriginal people	1.9	3.1	-1.2
Persons with disabilities	2.7	4.9	-2.2
Members of visible minorities	15.9	15.3	+0.6

Table 8
Change in Representation of the Designated Groups by Sector

	Women		*Aboriginal People*	
Sector	*1987 (%)*	*2007 (%)*	*1987 (%)*	*2007 (%)*
Banking	76.1	67.7	0.6	1.3
Communications	39.6	40.5	0.6	1.6
Transportation	16.9	25.4	0.7	2.3
Other	21.2	30.0	0.9	3.1
Representation	40.9	42.7	0.7	1.9

	Persons with Disabilities		*Members of Visible Minorities*	
Sector	*1987 (%)*	*2007 (%)*	*1987 (%)*	*2007 (%)*
Banking	1.8	3.6	9.5	24.9
Communications	1.4	2.5	4.0	14.5
Transportation	1.4	2.1	2.6	9.4
Other	2.3	2.3	2.6	13.4
Representation	1.6	2.7	5.0	15.9

76. Women have made significant advancement in management. For example, in the banking sector, the percentage of women in senior management positions has increased tenfold from 2.9 percent in 1987 to 29 percent in 2007.

[6] Data on employment equity was reported in the *Annual Report of the President of the Treasury Board on Employment Equity in the Public Service of Canada, 2008-2009*.

Table 9
Representation of Designated Groups in the Federal Public Service (March 2009)*

Designated group	*Representation* (%)*	*Labour Market Availability (%)*	*Gap (%)*
Women	54.7	52.3	+2.4
Aboriginal people	4.5	3.0	+1.5
Persons with disabilities	5.9	4.0	+1.9
Members of visible minorities	9.8	12.4	-2.6

* Does not include the RCMP, CSIS, Canadian Forces or separate agencies.

77. In the public service, women have made significant inroads into management. Since the EEA, the percentage of women in executive management positions has increased to about 43 percent as of March 31, 2009.

Table 10
Change in Representation in the Federal Public Service*

Year/Group	*Women (%)*	*Aboriginal People (%)*	*Persons with Disabilities (%)*	*Members of Visible Minorities (%)*
March 31, 2000	51.4	3.3	4.7	5.5
March 31, 2009	54.7	4.5	5.9	9.8

* Does not include the RCMP, CSIS, Canadian Forces or separate agencies.

78. In terms of separate public sector employers (not included in the above table), women and Aboriginal people are well represented at or above labour market availability while persons with disabilities at 4.9 percent (availability of 5.8 percent) and members of visible minorities at 12.0 percent (availability of 12.6 percent) were somewhat under-represented.

4. Aboriginal people

79. In April 2010, the Government of Canada launched the Aboriginal Skills and Employment Training Strategy (ASETS), a five-year, $1.6 billion investment in skills development and training to be delivered by Aboriginal service delivery organizations.

80. The ASETS succeeds the Aboriginal Human Resources Development Strategy (AHRDS), which was featured in Canada's Fifth Report under the ICESCR. The AHRDS was designed to assist Aboriginal people to find and keep employment. It helped over 516,000 Aboriginal men and women develop career-focused action plans, assisting 164,000 Aboriginal people to return to work, 54,000 people to return to school for further training, and supported over 8,500 child care spaces, allowing Aboriginal parents to continue their training and keep employment.

81. The Aboriginal Skills and Employment Partnership program was designed to promote maximum employment for Aboriginal people through collaborative partnerships. The partnerships are responsible for jointly developing and managing comprehensive, multi-year skills development plans that directly lead to long-term, high-skilled employment. The first nine projects ending between 2008 and 2009 resulted in more than 7,500 Aboriginal individuals trained and more than 3,500 individuals placed in long-term skilled jobs. These nine projects collectively brought together more than 90 partners from Aboriginal organizations, the private sector, learning institutions and provincial/territorial partners. Many of these partnerships have persisted.

82. With further investments of $105 million in 2007, an additional 16 projects have been funded starting in 2008 and 2009 and ending in 2012. These projects are expected to train more than 7,500 Aboriginal individuals and ensure employment for more than 4,000 in long-term skilled jobs. In 2009, an additional investment of $100 million over three years was provided under Canada's Economic Action Plan.

5. Youth

83. The Youth Employment Strategy assists youth in enhancing their employability skills while increasing the number of skilled young Canadians in the workforce via three program streams. In 2008-2009, the Strategy's programming achieved positive results:

	Clients served	*Returned to school*	*Employed*
Career Focus	790	33	453
Skills Link	16,073	1,842	5,961
Canada Summer Jobs	36,464	n/a	n/a

84. Budget 2009 invested an additional $20 million to help students in response to the economic downturn by adding to Canada Summer Jobs for 2009 and 2010. This incremental funding supported approximately 3,500 jobs in the summer of 2009.

Article 9: Right to social security

1. Working Income Tax Benefit

85. In Budget 2007, the Government introduced the Working Income Tax Benefit (WITB), a refundable tax credit that supplements the earnings of close to one million low-income workers. At $550-million-per-year, it provided up to $500 for single individuals and $1,000 for families, and included a supplement of up to $250 for persons with disabilities. Budget 2009 enhanced the tax relief provided by the WITB by $580 million, which is expected to double the benefits provided. The maximum amount of the WITB supplement for persons eligible for the Disability Tax Credit would also increase in proportion to the increase in the maximum WITB entitlement for single individuals.

2. Disability assistance

86. In 2008, the Government of Canada provided help for parents and others saving toward the long-term financial security of persons with severe disabilities with a new Registered Disability Savings Plan (see Article 11, p. 26, for additional information).

87. Also in 2008, specially-designed training to assist individuals in coping with the effect of a disorder or a disability was exempted from federal and provincial sales taxes.

3. Seniors' benefits

88. In Budget 2007, the Government expanded the New Horizons for Seniors Program by $10 million per year to address, among other things, elder abuse and fraud.

89. For seniors and others with Life Income Funds, Budget 2008 allows individuals with high medical- and disability-related expenses to unlock up to $22,450 to cover these costs.

(a) Guaranteed Income Supplement under the Old Age Security Act

90. The Guaranteed Income Supplement (GIS) is an income-tested benefit provided to low-income Old Age Security (OAS) recipients. It provides financial support, on top of the

OAS pension, to ensure that seniors' overall income does not fall below a set threshold. Budget 2005 increased the maximum monthly GIS benefits by $36 for single seniors and $58 for couples, taking full effect on January 1, 2007. Corresponding increases were also extended to recipients of both the Allowance and the Allowance for the Survivor benefits.

91. This increase will raise total GIS payments by $2.7 billion between 2005 and 2010, thereby exceeding the commitment of $1.5 billion over that period. A total of 1.6 million GIS recipients will benefit from this increase (including more than 50,000 seniors who will become eligible for benefits as a result of the change), especially senior women, who account for over one million of the seniors receiving GIS benefits.

(b) Greater accessibility

92. In 2002, the Government of Canada started the GIS take-up mailing initiative which consists in mailing a user-friendly, pre-filled GIS application to those individuals identified as being eligible for the benefit but who are not currently in receipt. Since the initiative's inception, the GIS take-up rate increased to 91.5 percent as of 2006, up from 86.7 percent in 2001 (the year before the initiative began). Disadvantaged senior women benefited substantially from the 2009 mail-out, receiving 62 percent of the mailings and 62 percent became GIS beneficiaries.

93. In 2007, Bill C-36 amended the Old Age Security Act to allow potential GIS clients to file a one-time renewable application. As long as clients continue to meet the eligibility criteria and file a tax return, their GIS benefit is automatically renewed for another year or paid for the first time. This approach has resulted in a lesser intake of yearly GIS applications, more efficient benefit processing and greater retention of clients eligible for a GIS benefit.

4. Family-related benefits

94. The Universal Child Care Benefit (UCCB), introduced in 2006, provides parents with direct financial support of $100 per month for each child under the age of six, affecting up to 1.5 million families with over 2 million children under six. In addition, the Canada Child Tax Benefit (CCTB), and more specifically the National Child Benefit (NCB) Supplement, are non-taxable amounts paid to low- and middle-income families. Budget 2009 included additional payments of $230 million under both benefits. This increased support is showing positive results. In 2009, approximately 500,000 children were lifted out of low income thanks to the UCCB (an estimated 22,000 families with about 57,000 children) and the CCTB (approximately 430,000 children).

95. In 2007, the Government of Canada announced the Child Tax Credit, which provides over $300 per child of tax relief to more than 3 million Canadian families.

96. Budget 2006 increased the maximum annual Child Disability Benefit (CDB) to $2,300 from $2,044; extended eligibility for the CDB to middle- and higher-income families caring for a child who is eligible for the disability tax credit; and boosted the maximum amount of the refundable medical expense supplement to $1,000 from $767.

Article 10: Protection of the family, mother and child

1. Extension of Employment Insurance benefits

97. In December 2009, the Fairness for the Self-Employed Act was passed to extend Employment Insurance (EI) maternity, parental/adoption, sickness and compassionate care benefits to self-employed Canadians who chose to participate on a voluntary basis. Under

this measure, self-employed Canadians will be eligible for the same number of weeks of benefits as paid employees, starting in January 2011.

98. Through its 2010 Budget, the Government of Canada will facilitate access to EI sickness benefits for eligible workers who have lost a family member as a result of a violent crime or are immediate family members of military personnel who died resulting from a service-related injury.

99. The EI parental benefits eligibility window is being extended to support Canadian Forces members, including reservists, whose parental leave is deferred as a result of military service or who are directed to return to duty while on parental leave. The Fairness for Military Families (Employment Insurance) Act was passed in June 2010.

2. Family violence

100. Victimization surveys and police-reported data have shown a steady decline in the prevalence and severity of spousal violence since 1999[7]. The rate of spousal homicide has also been declining, and in 2007 was the lowest rate in 30 years[8]. While additional data are needed to draw definitive conclusions about the impact of societal efforts in reducing and preventing violence, it is reasonable to suggest that improved health, social, economic and justice interventions may be contributing factors in this decline.

101. In 2007, Canada adopted a results-based management and accountability framework for the Family Violence Initiative. While not a formal evaluation, the collection of reporting information did provide a horizontal overview of the performance results for the Government's investments in family violence. These results are presented in the Family Violence Initiative Performance Report for April 2004 to March 2008 found at www.phac-aspc.gc.ca/ncfv-cnivf/pdfs/fvi-perf-rprt-eng.pdf. Key highlights include:

- A 2006 study that provided guidance in making strategic and operational changes to increase efficiency and effectiveness resulted in several recommendations, including enhancing the National Clearinghouse on Family Violence's knowledge exchange framework;
- In 2005, an Indian and Northern Affairs Canada evaluation of its Family Violence Prevention Program led to a recommendation to shift the funding methodology of its programs from a population-based approach to a needs-based approach, to ensure that funding is directed to the communities most in need;
- A recent evaluation of the Shelter Enhancement Program found that it had significantly contributed to improvements in shelter conditions in Canada; that fewer First Nations women had to leave their communities to seek protection; and that it had contributed to more community engagement in prevention activities.

102. The report concluded that although meaningful contributions have been made to reduce and prevent family violence in Canada, more needs to be done, especially among Aboriginal populations and others living in conditions of risk or disadvantage.

3. Aboriginal people and foster care

103. The First Nations Child and Family Services (FNCFS) Program funds child welfare prevention and protection programs for Status Indian children and families registered under

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[7] Statistics Canada. Canadian Centre for Justice Statistics , *Measuring Violence Against Women: Statistical Trends 2006* (Ottawa: Statistics Canada; Cat. No. 85-850-XIE, 2006).

[8] Statistics Canada. Canadian Centre for Justice Statistics, *Family Violence in Canada: A Statistical Profile, 2009* (Ottawa: Statistics Canada; Cat. No. 85-224-X, 2009).

the Indian Act, and ordinarily resident on reserve, with the goal of supporting culturally appropriate programming in accordance with the legislation and standards of their respective province or territory of residence. The anticipated result is a more secure and stable family environment and improved outcomes for Indian children ordinarily resident on reserve.

104. The overall number of First Nation children ordinarily resident on reserve who have been in care out of the parental home are as follows:

2005-2006	*2006-2007*	*2007-2008*	*2008-2009*
8,917	8,262	8,532	8,788

Note: Data includes all types of care, including institutional care; foster care; kinship care; and group homes.

105. Funding for First Nations Child and Family Services almost doubled from 1998-1999 to 2008-2009. However, the number of First Nation children in care remained relatively stable over that time period. To help First Nations Child and Family Services Agencies improve outcomes, the Government of Canada began transitioning the FNCFS Program to a more prevention-based model, namely the Enhanced Prevention Focused Approach. Its goal is to support enhanced prevention services that reduce the need to remove children from the parental home by providing tools that allow individuals to better care for their children, as well as promoting increased permanency planning for eligible children in care. This transition is taking place on a jurisdiction-by-jurisdiction basis with ready and willing First Nations and provincial/territorial partners.

106. From 2007 to 2009, tripartite accountability frameworks on enhanced prevention were reached, with new investments in five jurisdictions: Alberta (2007), Nova Scotia (2008), Saskatchewan (2008), Quebec (2009) and Prince Edward Island (2009). In 2010, Manitoba was also announced to be transitioned to the Enhanced Prevention Focused Approach, which now covers 68 percent of First Nations children living on reserve in Canada. The Government of Canada is working with the remaining jurisdictions to reform the First Nations Child and Family Services Program to the Enhanced Prevention Focused Approach with the goal to have all jurisdictions on board by 2013.

Article 11: Right to an adequate standard of living

1. Measures to reduce poverty

107. The Government of Canada has taken a comprehensive policy approach to addressing poverty, with a particular emphasis on child poverty. This approach includes the joint intergovernmental initiatives mentioned in the Introduction to this report (equalization and transfer payments; National Child Benefit; Early Childhood Development Agreement; early learning and child care initiatives; affordable housing initiatives; health care) and financial supports and benefits for families and children.

108. While Canada has no official measure of poverty, the Government of Canada typically uses Statistics Canada's after-tax Low-income cut-offs (LICO) as a proxy for comparisons over time. For the population as a whole, Canada has seen its low-income rates decreasing, from 15.2 percent in 1996 to 9.4 percent in 2008, which represents a decrease of approximately one million Canadians living in low income over this period. Low income rates have been on the decline for both younger and older Canadians. For example, the low-income rate for seniors has decreased from 9.7 percent in 1996 to 5.8 percent in 2008, and for children, the low-income rate went down from 18.4 percent in 1996 to 9.1 percent in 2008.

2. Persons with disabilities

109. In 2005, Planned Lifetime Advocacy Networks examined the use of savings vehicles to assist families in providing for the financial security of a child with a severe disability. The group found that the social assistance system in Canada provided a basic level of income to people with disabilities but its regulations discouraged saving, making it difficult for people to increase their income or improve their standards of living as long as they were receiving social assistance payments.

110. In response to this critical examination, an expert panel recommended the creation of the Registered Disability Savings Plan (RDSP), the Canada Disability Savings Grant and the Canada Disability Savings Bond. These three components comprise the Canada Disability Savings Program, which encourages long-term savings as a way to help secure the long-term financial secu: :y of a person with a disability.

111. The RDSP became available to Canadians in December 2008. As of February 2010, 28,000 newly-registered RDSP accounts had been opened. Since their introduction, the Government of Canada has paid over $125 million in grants and bonds under the Canada Disability Savings Grant and the Canada Disability Savings Bond[9]. Over time, these accounts, grants and bonds will help enhance the quality of life for as many as 500,000 Canadians with disabilities.

3. Right to adequate housing

(a) Market-related housing activities

112. Canada's private sector is responsible for the majority of the country's new home construction and private firms make up the foundation of Canada's housing finance system. The housing needs of approximately 80 percent of Canadians are served through the private market. Notwithstanding the important roles of private firms, the Government of Canada plays an instrumental role in facilitating market-related housing activities, particularly with respect to housing finance, through the Canada Mortgage and Housing Corporation (CMHC).

113. CMHC fulfils its housing finance mandate by providing mortgage loan insurance to lenders across Canada (including on-reserve and in the North) and through securitization programs that help ensure a steady source of funds for residential mortgage lending. Mortgage loan insurance protects mortgage lenders against potential default on the part of mortgage borrowers. Under the Bank Act, federally regulated lenders require mortgage loan insurance for loans made to anyone that wishes to purchase a home with less than 20 percent of the purchase price. By providing insurance to lenders, CMHC helps Canadians access the financing they may need with minimum down payments an' at interest rates comparable to those purchasing a home with a 20 percent down payment or more.

114. CMHC is Canada's only provider of mortgage loan insurance for large rental projects, including nursing and retirement homes. Close to 40 percent of CMHC's total of rental and high-ratio homeowner mortgage loan insurance units in 2009 were in areas or markets that are not served or less well-served by the private sector. This includes housing on-reserve, in rural areas and in small towns.

115. Through its securitization programs, CMHC plays an important role in ensuring that mortgage lenders can obtain the funding they need in order to be able to offer borrowers

[9] Statistics from Registered Disability Savings Plan monthly reports (February 28, 2010).

mortgages with attractive interest rates. Under the Mortgage Backed Security program, CMHC guarantees the timely payment of interest and principal of securities issued by financial institutions. The program is complemented by the Canada Mortgage Bond program which provides a cost-effective source of funding for mortgage lenders. Together these programs increase the supply of funds to the mortgage market and stimulate competitiveness, thereby lowering mortgage costs for Canadians.

116. CMHC's support of Canada's housing finance system proved to be particularly beneficial during the global financial crisis. The Insured Mortgage Purchase Program, implemented in 2008, was instrumental in helping Canadian financial institutions raise longer-term funds and, in turn, make funds available to consumers and businesses. Canada's housing finance system exhibited resiliency throughout the crisis, with minimal adverse consumer impacts.

(b) Housing Assistance

117. For those whose needs cannot be met in the marketplace, CMHC provides housing assistance for those with special/distinct needs under targeted initiatives as well as housing subsidies to support Canada's social housing stock for low-income Canadians. The Introduction of this report provides additional information on housing assistance.

118. In 2009, through the off-reserve renovation programs, close to 11,200 units were rehabilitated benefitting, for example, low-income families and persons with disabilities, over 2,600 units were repaired on an emergency basis, some 1,200 shelter units for victims of family violence were built or renovated, and almost 1 800 senior households were helped to live independently.

119. The First Nations Market Housing Fund became operational in May 2008. The Fund's $300 million supports market-based housing on-reserve to give First Nations people a better chance to own their own homes.

120. Canada's Economic Action Plan builds on the $1.9 billion in housing and homelessness funding by taking action to strengthen Canada's economy with a one-time investment of more than $2 billion over two years to build new, and repair existing social housing. In addition, the Plan provides up to $2 billion over two years in low-cost loans to municipalities to fund housing-related municipal infrastructure projects. The housing sector and homeowners also benefitted from the Home Renovation Tax Credit that provided up to $1,350 in tax relief, reducing the cost of renovations for an estimated 4.6 million Canadian families.

121. Through CMHC, the Affordable Housing Centre supports the development of affordable housing by working with the private, public and non-profit sector at a local level to connect individuals and organizations with the resources, knowledge and contacts to make their projects a reality. The Centre offers a broad range of products and services, including a comprehensive inventory of information, tools and resources from its website. The Centre also offers financial assistance including Seed Funding grants and loans, interest-free Proposal Development Funding and more flexible financing options through mortgage loan insurance to facilitate the financing of affordable housing. Since its inception in 1991, the Centre's team of experts has facilitated the production of over 53,000 affordable housing units for low-income clients, including families with children, and older women.

(c) Measuring Housing Needs

122. In Canada, households that do not have sufficient income to access an adequate and suitable dwelling without spending 30 percent or more of their household income are considered to be in core housing need (see Canada's Fifth Report under the ICESCR for a

description of the Core Housing Need model). In 2006, there were 1.5 million households in core housing need, representing about 12.7 percent of all households in Canada, with around two thirds of these being renter households.

123. As in the past, the vast majority of households in core housing need in 2006 had affordability problems compared to suitability or adequacy problems. Tenure differences are important; only 5.5 percent of all owners, in contrast with 24.6 percent of all renters, were experiencing core housing need because of affordability. This contrast is associated with broad income differences between owners and renters. As a result, although renters constitute only 31 percent of all households in Canada, they make up some 66 percent of all households in core housing need.

124. Adequacy problems and crowded living conditions (suitability problems) were the least cited problems – alone or in combination with other problems – for households in core housing need in 2006.

4. Homelessness

125. An estimated 150,000 Canadians are homeless, and recent reports from communities indicate that the number is increasing. The lack of affordable housing alone does not cause homelessness; however, it is an important factor. The contributing factors of homelessness are varied and complex, and include: low income; low educational attainment; unemployment; addictions; health and mental health issues; family dissolution; and abuse.

126. Homelessness manifests itself differently across Canada. In larger urban centres, street homelessness is more evident. In smaller communities, particularly those in close proximity to larger cities, homeless individuals and those at risk of homelessness may choose to move to a larger urban centre to avail themselves of services not available in smaller communities. In more remote areas of Canada where there are a limited number of services, and where overnight winter temperatures can drop to life-threatening levels, homelessness is often not visible.

Homelessness Partnering Strategy

127. As noted in the Introduction, in December 2006, the Government of Canada announced $526 million over two years for housing and homelessness programs, including $270 million over two years for the new Homelessness Partnering Strategy (HPS). The Strategy encourages a "housing-first" approach that focuses on transitional and supportive housing and measures the following outcomes:

- Reduction of homelessness/transition to housing stability;
- Prevention of homelessness;
- Social integration;
- Improvements in service quality or capacity due to capital investments;
- Improvement of community services and service delivery networks.

128. In September 2008, the Government of Canada announced an investment of $1.9 billion over five years (ending March 2014) in housing and homelessness initiatives. This commitment included a two-year extension of the HPS, until March 31, 2011.

129. With respect to homeless girls, many communities have recognized growing numbers of women and girls amongst their homeless population and, as such, have chosen to target women and the challenges they face – such as mental, physical and sexual abuse as well as marginalization – within their homelessness community plans.

Article 12: Right to physical and mental health

1. Children's health

130. The Canada Prenatal Nutrition Program (CPNP) and the Community Action Program for Children provide long-term funding to community-based groups to develop and deliver comprehensive, culturally appropriate programs to promote the health, well-being and social development of pregnant women, new mothers, infants, children and families who may be facing conditions of risk such as teen pregnancy/parenthood, poverty, social and/or geographical isolation, recent arrival to Canada, substance use and family violence. Among key objectives of CPNP is the promotion of maternal and infant health by improving maternal health practices during pregnancy, increasing the incidence of healthy birth weights and promoting breastfeeding.

131. The 2005-2009 Summative Evaluation of the Public Health Agency of Canada's children's programs revealed that CPNP was successful at reducing maternal isolation and improving infant birth weights and initiation and maintenance of breastfeeding. Furthermore, the Community Action Program for Children was shown to have positive effects on parent's self-improvement, especially in the areas of life-skills, emotional well-being, social support networks, empowerment, and relationships.

2. Aboriginal people's health

132. Implementation of commitments made at the 2004 First Ministers' Meeting to close the health status gap between Aboriginal and non-Aboriginal Canadians has continued, including the creation of a suite of Aboriginal health promotion and disease prevention programs, health human resources capacity-building and health system integration initiatives funded at $700 million over five years, starting in 2005.

133. From 2006 to 2010, the Government of Canada has budgeted the following health-related investments for First Nations people and Inuit:

- 2006: $30 million into Non-Insured Health Benefits and $6.5 million over five years for pandemic preparedness;
- 2007: an additional $75 million to support strategic investments in health services, and $30.5 million over five years with $9.5 million in ongoing funding to support a National Anti-Drug Strategy;
- 2008: $246.6 million over five years in direct funding to support: health service innovations, including e-health, health service accreditation and new models of nursing care; greater integration with provincial and territorial health systems; and the provision of core health services such as Non-Insured Health Benefits, nursing and health facilities infrastructure;
- 2009: $440 million over two years, including $305 million to ensure the continued provision of Non-Insured Health Benefits and primary care nursing services, and $135 million for new health infrastructure investments;
- 2010: $285 million over two years to renew Aboriginal health programs in the areas of diabetes, suicide prevention, maternal child health, health-related human resources and the Aboriginal Health Transition Fund.

134. Nevertheless, significant challenges remain as evidenced by the following data from A Statistical Profile on the Health of First Nations in Canada (www.hc-sc.gc.ca/fniah-spnia/pubs/aborig-autoch/2009-stats-profil/index-eng.php):

- Life expectancy: Registered Indians have a life expectancy of 72.9 years, living on average 6.7 years less than the general population; Inuit live approximately 12.7 years less, with a life expectancy of 66.9 years;
- Mortality: Overall mortality for First Nations (2000) is 1.4 times higher than for the Canadian population (1999) (based on age-standardized rates for regions with available data);
- Infant Mortality: In regions where quality data is available, First Nations infant mortality rates appear to have decreased over time, but remain approximately twice as high as for the general Canadian population. Rates within Inuit-inhabited regions are approximately four times higher compared to the general Canadian population;
- Chronic health: The four most common long-term health conditions reported by First Nations adults (18 years and over) on reserve are arthritis/rheumatism, chronic back pain, allergies and high blood pressure. These are also leading long-term health conditions in the general adult population in Canada;
- Diabetes: The diabetes rate among First Nations people living on reserve is 3.8 times higher than that of the general Canadian population;
- Disability: The proportion of First Nations people living with a disability is 1.6 times greater than that of the general Canadian population;
- HIV: Approximately 9 percent of all new HIV infections in 2005 occurred in Aboriginal persons, an infection rate estimated to be 2.8 times higher than among non-Aboriginal persons;
- Tuberculosis: In 2007, rates of tuberculosis were 5.9 times higher among Registered Indians and 17.9 times higher among Inuit than for the general Canadian population;
- Suicide: The suicide rate of First Nation youth (10 to 19 years) was 4.3 times higher than for the rest of Canada, in 2000. The suicide rate for Inuit regions (1999-2003) is 11.6 times higher than for the rest of Canada, with the majority of deaths among males.

3. Persons with disabilities

135. The 2006 Participation and Activity Limitation Survey[10] found that an estimated 2.7 million people aged 15 and over with a disability used or needed technical aids or specialized equipment to help them perform one or more daily activities. Data showed that 61.3 percent of this population of 2.7 million had all the equipment they needed, 28.9 percent used such equipment but needed more aids, while 9.9 percent had none of the equipment required.

136. The survey found that an estimated 511,670 people with very severe disabilities needed assistive technology. Of this group, 41.3 percent had all of the assistive technology they needed, compared with 75.9 percent of individuals with a mild disability. Age also affected the likelihood of needs being met. Seniors aged 65 and over were the most likely to have all the equipment they needed (68.3 percent). This proportion fell to about 56 percent for both people aged 40 to 64 and those aged 15 to 39.

137. In 2006, 90,480 children aged five to 14 used or needed assistive technology to help them participate in their daily activities. This total represented slightly more than one half

[10] Statistics Canada, *Participation and Activity Limitation Survey 2006: A Profile of Assistive Technology for People with Disabilities*, Catalogue no. 89-628-X No.005, June 2008.

(51.8 percent) of the 174,810 children with disabilities in that age group in Canada. Data showed 45.3 percent of all children's needs for assistive technology were met completely. One-quarter (24.6 percent) had none of the assistive technology they needed, while the remaining (30.1 percent) had some of the equipment they required, but needed more. Some 56.6 percent of respondents said cost was the main reason for unmet needs.

4. Mental Health Commission of Canada

138. In its March 2007 budget, the Government of Canada announced funding for the newly created Mental Health Commission of Canada whose mandate is to:

- Be a catalyst for reform of mental health policies and improvements in service delivery;
- Act as a facilitator and supporter of a national approach to mental health issues;
- Work to diminish the stigma and discrimination faced by Canadians living with mental illness; and
- Disseminate evidence-based information on all aspects of mental health and mental illness to governments, stakeholders and the public.

5. Guidelines for Canadian Drinking Water Quality

139. While provinces and territories are responsible for the day-to-day management and regulation of drinking water supplies within their jurisdiction, the Government of Canada plays a scientific leadership role and is responsible for the safety of drinking water on federal lands and on First Nation reserves. Health Canada works in collaboration with the Federal-Provincial/Territorial Committee on Drinking Water to develop the Guidelines for Canadian Drinking Water Quality which establish maximum acceptable concentrations of contaminants in drinking water. The Guidelines are used by all jurisdictions in Canada as a basis for drinking water quality, and are generally adopted as standards, either through legislation and regulations or through licensing of water treatment plants.

6. First Nations and Inuit Health Safe Drinking Water Program

140. To facilitate access to safe drinking water in First Nations communities south of 60 degrees parallel, the Government of Canada works with First Nations to establish a drinking water quality monitoring program as per the Guidelines for Canadian Drinking Water Quality.

141. Funding provided to Chiefs and Councils for drinking water monitoring through the Community-Based Water Monitor program enables First Nations communities to sample and test their drinking water for microbiological contamination where it is difficult or impossible to do so on a regular basis and (or) to get the samples to a laboratory in a timely manner. Monitors are trained to sample and test the drinking water for potential bacteriological contamination as a final check on the overall safety of the drinking water at tap. If a community does not have a Community-Based Drinking Water Quality Monitor, an Environmental Health Officer (EHO), a Certified Public Health Inspector employed by Health Canada or a First Nations stakeholder will sample and test drinking water quality, with the community's permission.

142. EHOs also test drinking water quality for chemical, physical or radiological contaminants; maintain quality control; review and interpret drinking water quality tests; and disseminate the results to First Nation communities. In all situations, if the drinking water quality is found to be unsatisfactory, the EHO will immediately make recommendations to Chief and Council for action, such as issuing a boil-water advisory.

143. The Government reduces and prevents potential public health risks by identifying existing and potential hazards associated with wastewater disposal in First Nations communities. In addition, upon request, officials review plans for new and upgraded water and wastewater treatment plants. Communications products have been developed on how to protect public health and prevent drinking water contamination in First Nations communities.

144. The Government of Canada has held a series of engagement sessions with First Nations across Canada to develop legislation for drinking water in their communities. Should the proposed legislation move forward, further consultations on the drafting of regulations will be held with First Nations and provinces and territories in each region. Procedures for Addressing Drinking Water Advisories are found at: www.hc-sc.gc.ca/fniah-spnia/pubs/promotion/_environ/2007_water-qualit-eau/index-eng.php.

Article 13: Right to education

145. Budget 2006 introduced measures "in support of a more skilled and educated workforce", which included a new tax credit for the cost of textbooks, elimination of the $3,000 limit on the amount of scholarship, bursary and fellowship income that could be received without paying federal income tax, and funding to the provinces and territories to support investments in post-secondary education infrastructure.

146. Budget 2007 announced an investment of an additional $800 million per year, beginning in 2008-2009, for provinces and territories to strengthen the quality and competitiveness of Canada's post-secondary education system. It also made Registered Education Savings Plans (RESP) more attractive by eliminating the $4,000 limit on annual contributions and increasing the lifetime contribution limit from $42,000 to $50,000.

1. Canada Education Savings Program

147. Enhancements to the Canada Education Savings Program, adopted in March 2007, included improved access to the program for part-time students and apprentices; an increase in the maximum annual Canada Education Savings Grant; raising the maximum time limit that a RESP may remain open from 25 to 35 years; and extending the maximum contribution period by ten years to 31.

148. To help adult learners better understand the learning environment, the Government of Canada continues to improve its Can Learn Web site, notably its Continuing Education - Lifelong Learning section. This section provides useful links to job search Web sites or to the Working in Canada Tool that provides a description of the numerous occupations that exist and the corresponding skill requirements (workingincanada.gc.ca).

2. Canada Student Loans Program

149. The Canada Student Loans Program offers financial assistance to help Canadians with financial need access university, college and trade school. In 2008-2009, it provided more than $2.1 billion in loans and grants to more than 365,000 students, representing approximately 40 percent of all university and college students in Canada.

150. The Canada Student Grants Program, implemented in 2009, offers grants of $250 per month of full-time study to students from low-income families and $100 per month of full-time study to students from middle-income families. Grants for part-time students, students with dependants and students with permanent disabilities are also available. In 2009-2010, the Government of Canada expects to provide more than $514 million in grants to approximately 245,000 students.

151. The Repayment Assistance Plan makes it easier for student loan borrowers to manage their debt by ensuring that they can afford their payments. Under the Plan, monthly payments are limited to less than 20 percent of a borrower's income, and borrowers who make under $20,000 per year are not required to make any payments on their Canada student loan. In addition, no borrower has a repayment period of more than 15 years, or 10 years for borrowers with permanent disabilities.

III. Measures adopted by the Governments of the Provinces

British Columbia

General

152. Final Agreements and Incremental Treaty Agreements create social and economic opportunities for the communities involved, build certainty and encourage investment for British Columbia (BC). Incremental Treaty Agreements allow First Nations and the province to enjoy shared benefits in advance of a Final Agreement being reached. They build trust among the parties, create incentives to reach further milestones and provide increased certainty over land and resources. An Incremental Treaty Agreement is not a replacement for a treaty but it does advance treaty-related benefits for the First Nations involved and the province.

(a) Final agreements

- The Tsawwassen First Nation Final Agreement Act received Royal Assent on June 26, 2008 and came into force on March 20, 2009: www.gov.bc.ca/arr/firstnation/tsawwassen/down/tsawwassen_final_agreement_english_mar_20_2009.pdf.
- The British Columbia government signed the Maa-nulth First Nations Final Agreement on December 9, 2006, creating social and economic opportunities: www.bctreaty.net/nations/agreements/Maanulth_final_intial_Dec06.pdf.
- The province signed wildlife, parks, Crown land, and final agreements with the Blueberry River First Nations: www.gov.bc.ca/arr/treaty/key/down/Final_Agreement_10272008.pdf.

(b) Incremental treaty agreements

- On November 13, 2008, an Incremental Treaty Agreement was reached with the Tla-o-qui-aht First Nation: www.gov.bc.ca/arr/treaty/down/tla_o_qui_aht_ita_final_for_signing_premier_nov0608.pdf.
- On March 5, 2009, the province reached an Incremental Treaty Agreement with the Klahoose First Nations: www.gov.bc.ca/arr/treaty/down/klahoose_ita_final.pdf.

Article 2: Rights specifically subject to non-discrimination provisions

153. On January 1, 2008, British Columbia amended the Human Rights Code to protect all persons 19 and over from age discrimination. Previously the Code only protected those under 65 years of age against this type of discrimination.

154. British Columbia enacted a Residents' Bill of Rights, which applies to all persons who live in residential care facilities (except acute care hospitals) licensed under the Community Care and Assisted Living Act, as well as under Parts 1 and 2 of the Hospital Act (private hospitals and extended care facilities that serve a long-term care population,

primarily senior citizens). For more information see: www.hls.gov.bc.ca/ccf/residents_bill_of_rights.html and www.hls.gov.bc.ca/ccf/pdf/adultcare_bill_of_rights.pdf.

Article 6: Right to work

155. Amendments to the Human Rights Code, effective January 1, 2008, abolished mandatory retirement in British Columbia. Early retirement benefits can be offered to all employees as an incentive to retire, but an employee cannot be forced to retire.

156. Over 26,000 clients received services through provincially-funded employment programs each year. Since 2001, employment programs for Income Assistance clients have placed more than 65,000 clients in jobs and have encouraged and assisted thousands more to find and keep jobs on their own. In response to the economic downturn, British Columbia enhanced access to services that support clients to re-enter the workforce as quickly as possible. For example, the BC Employment Program allows for individual assistance to help persons find work, especially immigrants and individuals with mental health problems or addictions. In addition, the Community Assistance Program assists participants through individualized life-skills services as well as referrals to existing community resources such as mental health and housing services, drug or alcohol treatment, legal aid, child care and family services.

157. The Forest for Tomorrow program provided opportunities for First Nation contractors to improve the long-term timber supply. The program allocated $4.2 million to First Nations employment and business opportunities, as well as supported several local First Nations Capacity Building initiatives.

Persons with disabilities

158. The British Columbia Disability Strategy ($5 billion annually), announced in May 2006, focuses on integrated, citizen-centered service delivery for disability supports and services, enhanced employment opportunities and improved access and inclusion for persons with disabilities. The strategy is a framework that focuses on service improvements, integration and collaboration among government and non-government partners. Key achievements under the strategy include:

- Reducing the waitlist for services for people with developmental disabilities;
- Improving transition to adulthood for children and youth with special needs through a seamless protocol;
- Investing over $562 million in 2010-2011 for new supportive housing and homeless outreach programs;
- Improving accessibility and inclusion in communities through the Measuring Up Accessibility and Inclusion Fund, which supports community projects aimed at accessibility and inclusion;
- Enhancing programs for those with developmental disabilities, cognitive impairments or mental illness;
- Providing customized employment services for persons with disabilities;
- Partnering with the Vancouver Foundation in the development of Endowment 150 to support up to 30,000 low-income persons with disabilities to save for their future;
- Challenged communities and employers to increase employment for persons with disabilities by 10 percent by 2010. To date, 93 communities have accepted the 10 by 10 Challenge.

Article 9: Right to social security

159. From October 2005 until September 2008, the total social assistance caseload (Temporary Assistance or TA) was relatively steady at just below 40,000 cases per month. From September 2008 until December 2009, the caseload grew to just over 58,000, a 45 percent increase largely due to employable single recipients adversely affected by the economic recession.

160. No cuts have been made to income assistance or related social programs in British Columbia over the period from January 2005 to 2009. British Columbia has undertaken a number of targeted initiatives, such as the Homeless Intervention Project, which has assisted those group. highest risk of homelessness and social exclusion.

161. In 2009-2010, budget cuts were made to the Honour Your Health Challenge, a province-wide initiative supporting local action to improve the health status and capacity in Aboriginal communities. Efforts are underway to reconfigure this program to enable its continuation under current fiscal conditions. In managing related challenges brought about by the economic downturn, priority was placed on protection of critical front-line services relating to health and safety. This was achieved in part through reductions in administrative and discretionary spending. As part of informed decision-making processes, government engaged with key service providing stakeholders to review and identify potential new efficiencies and ways of delivering services.

162. In January 2007, British Columbia signed a Memorandum of Understanding with the First Nation Social Development Society and British Columbia Aboriginal Human Resources Development Agreement (AHRDA) holders throughout the province. This led to policy changes that allow clients to receive employment services through AHRDA service providers while continuing to receive income assistance. These changes resulted in an increase of Aboriginal client participation in these specialized employment programs, oriented to and designed in collaboration with Aboriginal partner organizations. British Columbia and AHRDA holders will transition to the new Aboriginal Skills and Employment Training Strategy.

Persons with disabilities

163. The Disability Assistance caseload continued to increase, by 3,941 cases (5.9 percent) in 2009 over 2008 and 14,207 cases (25 percent) over 2005.

Article 10: Protection of the family, mother and child

(a) Child care services

164. In 2008-2009, the British Columbia government continued partnering with child care providers for a sustainable child care system serving diverse needs through a range of affordable, safe, quality options. The province also allocated an additional $25 million over three years to preserve child care subsidies to support British Columbia's most economically disadvantaged children. As a result, the total number of licensed child care spaces in British Columbia increased. The government also published Child Care in British Columbia, which outlines a vision, key principles and direction for the province's quality early learning and child care programs. The links are found at: www.mcf.gov.bc.ca/childcare/index.htm and www.mcf.gov.bc.ca/childcare/pdfs/child_care_in_bc_2008_final.pdf.

(b) Foster care

165. British Columbia's priority is to keep families safely together whenever possible, protecting vulnerable children and youth while enhancing initiatives to help support and

build on families' strengths and resilience. This work has been guided by the 2008 release of Strong, Safe and Supported: A Commitment for B.C.'s Children and Youth (www.mcf.gov.bc.ca/about_us/pdf/Strong_Safe_Supported.pdf).

166. For information on various programs and services that assist in supporting families to safely stay together, visit www.mcf.gov.bc.ca. Examples of related initiatives include:

- Increasing use (by about 50 percent in 2008-2009) of the Family Development Response, an early intervention approach used, when appropriate, to support a family to safely stay together (www.mcf.gov.bc.ca/child_protection/pdf/Family_Development_Response.pdf);
- Near-finalization of plans in 2009 to start the Extended Family Program in 2010. The program will include various supports for families and is informed in part by findings that children and youth can benefit from care by a relative or close family friend rather than foster care, when appropriate (www.mcf.gov.bc.ca/alternativesto fostercare/extended_family.htm); and
- Continuing use of options for parents and families within collaborative planning and decision-making in child welfare (www.mcf.gov.bc.ca/child_protection/pdf/Options ForParentsAndFamilies_factsheet.pdf).

167. In certain circumstances, after reasonable and available alternatives have been exhausted, a parent may voluntarily sign an agreement to temporarily place a child in the province's care. These agreements include a service plan to support a child's safe return to its own family as soon as possible. The average caseload in 2009 was 545.

(c) Family violence

168. In 2008, British Columbia initiated the Victim Services Delivery Analysis Project to examine services to victims in the province and recommend changes to ensure services are victim-centred, inclusive and accessible. The project determined that victims need the following services: critical incident response; criminal justice information and support; safety planning; practical and emotional support; and information and referral. These findings were incorporated in the victim service contracts effective April 1, 2010.

169. In 2009, one of British Columbia's contracted programs, the Richmond Family Violence Unit (FVU), undertook a program evaluation. A reduction in the percentage of cases not proceeding through court (returned by Crown or stays of proceedings) from 56 percent before the establishment of the FVU partnership team to 25 percent after its establishment suggests that the FVU has had a positive impact on the rate of successful prosecutions. Court outcome statistics and interview results indicate that the FVU is succeeding in promoting systemic change, reducing barriers to effective interventions, and increasing the ability of systems to respond effectively.

170. In 2008, funding to victim service programs was increased by $2.7 million, an average of 22 percent per program, including community-based programs which serve victims of family and sexual violence.

171. British Columbia, in partnership with Citizenship and Immigration Canada, introduced the three-year project Enhanced Victim Services for Newcomers to Canada. It helps newcomers who are victims of family and sexual violence by providing culturally relevant supports and justice system information to increase awareness of what constitutes a crime in Canada.

172. A one-year Domestic Violence Response Grant Funding Program was initiated to improve victim safety and enhance local responses to victims of domestic violence.

173. In 2009, British Columbia centralized most programs and services related to family violence into one ministry. These include: victim service programs; outreach/multi-cultural outreach services; Stopping the Violence counselling programs; children who witness abuse programs; and VictimLINK. With the transfer of these programs, the Victim Services and Crime Prevention Branch became the provincial centre of responsibility for violence against women.

174. In 2008-2009, a number of new victim service programs addressing family violence were initiated in the communities of Richmond, North Shore, Vancouver, New Westminster and Ucluelet.

Article 11: Right to an adequate standard of living

(a) Homelessness

175. Since 2005, British Columbia has implemented numerous initiatives to help reduce homelessness, including intensifying outreach efforts, purchasing single room occupancy buildings to preserve them as low-income housing, and improving integration between ministries, and agencies servicing the homeless.

176. While the focus has been on moving homeless people into stable, permanent housing, the government has also increased funding for emergency shelters for families/women and children. In 2008-2009, capacity increased by over 40 percent compared to 2006-2007.

177. In 2006, BC Housing launched the Homeless Outreach Program to provide housing, income assistance and community-based social and health services to the homeless in 49 communities in British Columbia. Through this program more than 8,700 people living on the street have found homes.

178. An Aboriginal Homeless Outreach Program was also implemented, providing $500,000 annually to Aboriginal non-profit organizations in nine communities across British Columbia to connect homeless people to housing, income assistance and support services in their communities, within an Aboriginal context.

179. In 2009, the government implemented the Homeless Intervention Project, an initiative to reduce chronic homelessness in five key communities: Vancouver, Victoria, Surrey, Kelowna and Prince George. This project targets the chronically homeless, those who are suffering from severe mental health issues and/or addictions, and who have either been continuously homeless or cycled in and out of homelessness for more than a year.

180. The project improves timely access to housing and provides more comprehensive supports for chronically homeless clients. This is accomplished through better coordination of provincial government ministries, BC Housing, health authorities and other provincially-funded service providers. Integrated client care pulls service together around the client's needs and helps ensure they are not only housed but remain housed.

181. Development cost charges are monies that municipalities and regional districts collect from land developers to offset that portion of the costs related to these services that are incurred as a direct result of a new development (e.g., sewer, water). In May 2008, section 933.1 of the Local Government Act was amended to give local governments the authority to waive or reduce development cost charges for eligible developments. Not-for-profit rental housing, supportive living housing, and for-profit affordable rental housing are specifically indicated as eligible developments. Parallel amendments were also made to the Vancouver Charter. This legislation empowers local governments to provide incentives to developers to increase affordable housing stocks in British Columbia.

(b) Aboriginal housing

182. The governments of British Columbia and Canada signed a historic tripartite memorandum of understanding with First Nations to develop a comprehensive approach to improve housing for Aboriginal communities, individuals and families on- and off- reserve.

183. In 2007-2008, British Columbia launched the Aboriginal Housing Initiative, to create safe, secure and culturally appropriate housing for youth, women, elders and those struggling with addictions. Under the initiative, 220 units of off-reserve Aboriginal housing are being developed.

(c) Low income rate

184. The low income rate has fallen considerably in recent years. For 2007, the last year for which data is available, 11.1 percent of the population had income below Statistics Canada's after-tax Low Income Cut-Offs (LICOs). This constituted a 13 percent decline from 2006 and the lowest level since 1991.

185. The rate of children living below the LICO declined from 16.5 to 13 percent, a 21 percent decline from 2006, the lowest rate since 1991. The rate of seniors living in low income in 2007 is the lowest ever recorded in the province's history at 5.6 percent.

(d) Minimum wage

186. The general minimum wage in British Columbia is currently $8.00/hour and there are no plans at this point to increase it. The Government of British Columbia believes that minimum wage regulation is but one of many tools used in the effort to address poverty issues. While the proportion of British Columbian workers earning the minimum wage has been falling, the province has introduced a wide range of measures to improve the standard of living for lower-income British Columbians, including changes in policy areas such as income assistance, housing support, education, tax policy, and support services for persons with disabilities.

Article 12: Right to physical and mental health

(a) Aboriginal health

187. First Nations representatives and the governments of Canada and of British Columbia agreed to an implementation process for the Tripartite First Nations Health Plan, signed in 2007. The purpose of the Plan is to fundamentally change the health status of First Nations people in British Columbia by supporting the development of local health plans for all First Nations and recognizing the fundamental importance of community solutions and approaches.

188. Other measures targeting the Aboriginal community include:

- ActNow provided $600,000 to 33 Métis Chartered Communities throughout the province over two years to support health promotion and increase community, family and individual health and wellness;
- The Honour Your Health Challenge provided $1.4 million to support Aboriginal leaders in establishing and leading healthy living initiatives in their communities;
- $3 million in funding and land for the Stehiyaq Healing and Wellness Village, to be operated by the Ch ihl-kway-uhk Tribe Society; and
- $3 million toward the Aboriginal Nursing Strategy.

(b) Seniors

189. The following measures have been adopted to assist seniors:

- After exploring innovative and sustainable models to provide non-medical home support services to help seniors remain in their own homes and communities, the government launched the Community Action for Seniors' Independence program which includes support with the physically demanding tasks associated with staying in one's home, such as housekeeping, laundry, shopping, meal preparation and outdoor chores, as well as transportation to appointments;
- Eighteen ActNow BC Seniors' Community parks were established in communities throughout British Columbia to encourage active and healthy aging;
- A one-stop, integrated information source on government programs and services for older people was launched (www.SeniorsBC.ca);
- The province consulted with the Multicultural Advisory Council and the Joint Federal-Provincial Immigration Advisory Council to ensure that older people from immigrant and ethno-cultural communities can access the information and services they need;
- A provincial Seniors' Healthy Living Advisory Network was established to engage citizens and stakeholders;
- Assistance was provided for the establishment of alternative, age-friendly transportation mechanisms.

(c) Women

190. British Columbia helped fund the creation of a curriculum and demonstration project for the provision of Aboriginal doula support for pregnant Aboriginal women.

191. British Columbia provides early childhood hearing, dental and vision screening for children, and provides resources and training for health and social service providers on working with pregnant women who may be abusing alcohol and other substances.

(d) Children

192. The Early Development Instrument is a standardized research tool for assessing early child development in a population over time. It consists of a 120-item questionnaire filled out by kindergarten teachers on all the children in their class. Information collected is analysed at a group level (for a school or a neighbourhood, for example) and is not used as a diagnostic tool for individual children. The kindergarten teacher uses the Instrument to describe each child's level of development in five areas:

- Physical health and well-being;
- Social competence;
- Emotional maturity;
- Language and cognitive development; and
- Communication skills and general knowledge.

The province supported the administration and reporting for the Early Development Instrument in order to survey, monitor and respond to early childhood vulnerabilities identified. A 2009 evaluation report on the initiative is found at: www.ccl-cca.ca/pdfs/fundedresearch/Hertzman-FINAL.pdf.

Aboriginal children

193. The Recognition and Reconciliation Protocol on First Nations Children, Youth and Families was signed between the province and First Nations, committing the parties to an inclusive process to establish a common vision for First Nations child and family wellness in British Columbia.

(e) Right to food

194. In April 2007, British Columbia increased by about 25 percent the support allowance for food, clothing and personal expenditures given to income assistance recipients who are considered employable or persons with persistent multiple barriers. The support allowances provided are sufficient to meet the Dieticians of Canada's estimates of the cost of a nutritious diet for most recipients in all regions of British Columbia.

195. Since 2006, the province has committed resources to a number of community-based food security initiatives. These include:

- $525,000 for the DASH Cooking and Skill Building project which supported the establishment of community kitchens and community-based programs that provide hands-on cooking experiences in low income neighbourhoods; and
- $880,000 for the Farmers' Market Nutrition Coupon Project, which provides low income families participating in cooking and nutritional skills building programs with coupons to spend on farm fresh products at their local farmers' markets.

Article 13: Right to education

196. The following measures were adopted by the province with respect to Aboriginal education:

- In partnership with the First Nations Education Steering Committee, new courses were developed and implemented which reflect Aboriginal knowledge and culture, including English 10 and 11 First Peoples;
- $2 million was provided to help Aboriginal Friendship Centres with family literacy initiatives;
- $30 million was spent to help bridge the digital divide for First Nations living in remote communities;
- In 2009-2010, funding was announced for 67 community adult literacy programs including ten programs directed at First Nations communities;
- The Northern Opportunities Program partnership was given $4.7 million to expand its program enabling Aboriginal youth to receive trades and technical training while still in high school. The objective is to supply the demand for local skilled trades, health and child care workers and other technical jobs.

Alberta

Article 2: Rights specifically subject to non-discrimination provisions

197. Since April 2, 1998, sexual orientation had been "read in" as a protected ground in the Alberta Human Rights Act. In October 2009, Alberta amended its human rights legislation to include sexual orientation as a protected ground. The new legislation also amends the definition of marital status (a protected ground in the Act) by removing the phrase "of the opposite sex" after the word "person" in the following: "...the state of being married, single, widowed, divorced or separated or living with a person in a conjugal

relationship outside of marriage". The Act is available online at: www.qp.alberta.ca/570.cfm?frm_isbn=9780779752904&search_by=link.

Article 6: Right to work

198. In December 2007, Alberta established two Temporary Foreign Worker (TFW) Advisory Offices, to assist TFWs with employment and related issues by connecting them with government and community resources. Alberta has also implemented a TFW enforcement program with six employment standards officers dedicated to conducting investigations and inspections related to violations of employment standards legislation.

Article 9: Right to social security

(a) Social assistance

199. As in other Canadian jurisdictions, Alberta's social programs have been impacted by the global financial situation. Demand for Income Support assistance increased from 26,929 cases in November 2008 to 36,983 in November 2009, resulting in larger caseloads specifically in the Expected to Work (ETW) category. The increased demand for the provision of basic needs such as shelter, food and health benefits has had obvious cost implications. Unemployed Albertans have been accessing programs to receive the training or services they need to return to and adapt to the changing labour market. Analysis of the increase in the ETW caseload shows a direct correlation with the unemployment rate in Alberta.

200. In November 2008, Alberta increased Income Support Core Benefit rates for all client groups. This was in addition to some targeted increases in 2006 and 2007.

(b) Disability benefits

201. Between January 2008 and December 2009, the caseload for Alberta's Assured Income for the Severely Handicapped (AISH) program increased by 13 percent from 36,770 to 39,914 clients. The AISH living allowance also rose from $1,050 per month in January 2008 to $1,188 in April 2009, a 13 percent increase.

202. In November 2008, the Alberta government ensured that Albertans with disabilities who have a federal Registered Disability Savings Plan (RDSP) would not have their provincial benefits affected by exempting the RDSP as income and assets when determining eligibility for provincial financial assistance programs, including AISH. In July 2008, employment exemptions for AISH clients were increased: singles can earn up to $1,500 per month, and couples and clients with children can earn up to $2,500 per month and still be eligible for AISH funding.

(c) Seniors' benefits

203. Clients receiving the Alberta Seniors Benefit saw a 16 percent increase in the level of assistance in 2009-2010. Annual benefits for seniors increased from $2,880 to $3,360 for singles and from $4,320 to $5,040 for couples. In July 2009, qualifying income thresholds for the program increased by approximately 6 percent: from $22,700 to $24,000 for singles and from $36,900 to $39,000 for couples, bringing approximately 6,000 additional seniors into the program. In each of the following three years, the average number of seniors who received the benefits was:

2007-2008: 140,558 2008-2009: 138,436 2009-2010: 142,096

(d) Family-related benefits

204. In July 2006, eligibility for the Alberta Adult Health Benefit program was extended to singles and childless couples in the Expected to Work category, who were no longer receiving Income Support due to employment income. In August 2007, eligibility for the program was further extended to persons not eligible for Income Support, including pregnant women with low income and individuals/households with high ongoing drug costs in relation to their income.

Article 10: Protection of the family, mother and child

(a) Family violence

205. Alberta continues to implement recommendations from its Strategy for the Prevention of Family Violence and Bullying (2004), including the development of strategies to enhance services and supports to victims of elder abuse.

206. The Family Violence Investigation Report was developed to ensure that pertinent information is gathered during police investigations into intimate partner violence cases. Use of the Report by all Alberta police services has been mandatory since 2008.

207. In 2009, the Domestic Violence Guidelines for Police (2005 version) were updated and distributed to provide the basis for consistent police practices in Alberta. Family violence training is provided to police three to four times annually. Ongoing evaluations and revisions to the training material ensure relevancy and up-to-date best practices.

208. The Alberta Relationship and Threat Assessment Management Initiative commenced operation in the fall of 2007. This joint force, multi-disciplinary unit provides threat assessments of cases where a high risk of relationship violence exists and assists in safety planning. In 2009, the unit's name was changed to the Integrated Threat and Risk Assessment Centre to reflect its evolution beyond an initiative, and affirm the need for risk assessment beyond relationship violence and stalking. Awareness of family violence as a crime has been raised and the need for collaboration in addressing this complex issue has been highlighted.

209. During 2008-2009, Alberta, in consultation with Aboriginal and immigrant stakeholders, expanded support to communities affected by family violence. Activities included: enhancing public awareness and education resources, including implementation of culturally-sensitive advertising to promote the Family Violence Information Line; developing the first phase of a provincial Family Violence and Bullying Training Framework for front-line responders; and developing six outreach pilot projects dealing with victim support specifically targeted to reach Aboriginal people and immigrant children, youth and families.

210. In 2008, Alberta invested an additional $1.76 million in women's emergency shelter beds; expanded support to first responders and victims; and amended the Protection against Family Violence Regulation to ensure the availability of a Justice of the Peace to hear applications for Emergency Protection Orders. The Regulation is online at: www.qp.alberta.ca/574.cfm?page=1999_080.cfm&leg_type=Regs&isbncln=97807797418.

211. To assess the impact of its initiative of providing women at risk with emergency shelters, an exit survey was conducted between April 2008 and March 2009. It found that 96.7 percent of respondents agreed that shelter services had helped to lessen their vulnerability and reduce their risk of future abuse for themselves and their children. Data indicates that the child intervention caseload (including child protection and family enhancement) has decreased from 2007-2008 to 2009-2010.

(b) Elder abuse

212. In 2009, Alberta began developing the provincial elder abuse strategy, Addressing Elder Abuse in Alberta: A Strategy for Collective Action. The strategy identifies a series of collaborative actions focused on public awareness, service provider education, and support for coordinated community responses.

213. Alberta has promoted World Elder Abuse Awareness Day (WEAAD) by working with the Federal-Provincial/Territorial Ministers Responsible for Seniors forum and community partners to develop and distribute awareness-raising resources to organizations across Alberta. For WEAAD 2008, the Alberta government partnered with the Alberta Elder Abuse Awareness Network to develop a Financial Abuse Fact Sheet for service providers and a "rack card" for seniors, presenting information about how to identify and prevent financial abuse. In 2009, this partnership also developed an elder abuse screening guide for service providers. These materials were provided to approximately 2,400 community agencies and 900 banking institutions across Alberta.

214. The Family Violence and Bullying Public Opinion Survey, initiated by a private polling firm in 2009 and completed in 2010, indicates that there has been a significant increase in the percentage of Albertans who consider elder abuse to constitute family violence. An elderly person being victimized through misuse or loss of income or savings, or damage to his belongings is now considered to constitute family violence by 93 percent of Albertans (vs. 90 percent in 2008), while taking an elderly person's money, belongings or property without the person's knowledge and consent is thought to constitute family violence by 92 percent of Albertans (vs. 89 percent in 2008). The survey report may be found at: www.child.alberta.ca/home/documents/familyviolence/2008_Family_Violence_Bullying_Survey_Final_Report.pdf.

(c) Child care

215. Between 2005 and 2008, a significant financial investment and new initiatives were implemented to support child care in Alberta. For example, in 2005, subsidy rates were increased and eligibility was extended to include households with an income of up to $76,000 for parents using regulated or approved child care programs. In addition, a subsidy for stay-at-home parents was introduced in 2005. In 2008, Alberta increased the subsidy rate by 3.5 percent for eligible low- and middle-income families.

216. Under the 2007-2008 Comprehensive Child Care Strategy, the Alberta government invested a further $12.5 million in 2008 toward child care and introduced various incentives for child care providers. For example, the government introduced the Space Creation Innovation Fund providing $1,500 ($2,000 in a Northern Alberta city) to child care programs, school boards, municipalities, industry and community groups for each child care space created. In 2008, Alberta announced the creation of an additional 14,000 spaces by 2011 as part of the Creating Child Care Choices plan. To link to the plan, visit: www.child.alberta.ca/home/documents/childcare/doc_spaces_Preschool.pdf.

217. To assist child care programs to attract higher levels of certified staff, the Staff Attraction Incentive Allowance was introduced as of April 1, 2009, under the Alberta Child Care Accreditation Funding Program, to staff certified as child development workers and supervisors. The Allowance provides $2,500 per year over two years to help recruit trained staff who have at least six months of child care experience and who have not worked in the child care field for at least six months. The Allowance is also available to people who are new to the child care profession and do not have six months of previous child care experience.

Article 11: Right to an adequate standard of living

(a) Minimum wage

218. In 2008 and 2009, Alberta increased its minimum wage, now at $8.80 per hour, in accordance with its policy of adjusting the wage based on Alberta's Average Weekly Earnings as calculated by Statistics Canada. A committee of the Legislature is reviewing the policy.

(b) Combating poverty

219. In August 2007, the Qualifying Income Levels (QILs) for the Alberta Adult Health Benefit (AAHB) and the Alberta Child Health Benefit program (ACHB) were standardized based on an approximation of the Market Basket Measure (MBM). In August 2008, QILs were raised based on an increase in the estimated MBM. These initiatives increased participation in these programs: from 66,924 children enrolled in the ACHB program in 2004-2005 to 85,858 in 2008-2009 and from 1,842 households enrolled in the AAHB program in 2004-2005 to 5,187 in 2008-2009.

(c) Right to food

220. In 2008, the province increased Income Support benefits, deemed as Core Essential, that provide beneficiaries with funds for food, household and other essential needs.

(d) Homelessness

221. On March 16, 2009, Alberta released A Plan For Alberta – Ending Homelessness in 10 Years. This provincial strategic plan includes five priority areas for action and calls for communities to employ a housing-first approach in their plans to end homelessness. After one year of implementation, Alberta is making progress in providing people in need of permanent housing with the supports they need to maintain stability. The plan is accessible at: www.housing.alberta.ca/documents/PlanForAB_Secretariat_final.pdf.

(e) Aboriginal people

222. Established in 2005, Alberta's First Nations Economic Partnerships Initiative has supported the development of 109 partnerships with First Nations, tribal organizations, industry and others. The initiative was developed with input from First Nations and industry leaders in Alberta.

Article 12: Right to physical and mental health

(a) Aboriginal health

223. The Sacred Circle Project is a collaborative initiative of the Alberta Native Friendship Centres Association and the Aboriginal Diabetes Wellness Program of the Alberta Government. A Steering Committee was created to guide the development and distribution of age-specific "Type 2 Diabetes" resources for Aboriginal children aged 8 to 12-years-old. The resources include a DVD, a story and activity booklet and an online facilitator's guide. Completed in 2009, the project's resources were distributed to all 20 Native Friendship Centres in Alberta, various schools and other Aboriginal organizations.

224. Alberta's Aboriginal Health Career Bursary program awards approximately 70 bursaries each year to encourage Aboriginal Albertans to pursue adult and post-secondary education in health-related fields. A total of $468,000 in bursaries was awarded to 86 Aboriginal students in 2009-2010, pending final confirmation of full-time enrolment.

225. The Honouring Life: Aboriginal Youth and Community Empowerment Strategy, formerly known as the Aboriginal Youth Suicide Prevention Strategy, was revised in 2009 to be more aligned with resiliency, empowerment and holistic wellness approaches, in addressing the risk factors for Aboriginal youth.

226. Alberta has provided $20,000 in funding towards the Environics Institute Urban Aboriginal Study, which seeks to better understand and document the experiences, aspirations, values and identities of Aboriginal people who live in urban (off-reserve) communities. The report of the study is expected to be released in 2010-2011.

(b) Children's health

227. The Alberta Nutrition Guidelines for Children and Youth were released in June 2008 to disseminate information on how facilities and organizations can provide healthy food choices in child care facilities, schools, in recreation centres, at special events and in the community at large. The Guidelines are available online at: www.health.alberta.ca/documents/Nutrition-Guidelines-2008.pdf.

228. The Alberta Healthy School Community Wellness Fund was established in 2007 by the province in partnership with the Alberta Coalition for Healthy School Communities and the University of Alberta's School of Public Health. The Wellness Fund is intended to support school communities in Alberta to plan, implement and evaluate comprehensive school health approaches to enhance the health outcomes of children and youth. As of May 2009, 53 projects involving 295 schools and 352 community collaborators received a total of $1,766,872 through the Wellness Fund and the Healthy Living Fund.

229. Healthy Kids Alberta! is a cross-ministry initiative including 17 ministries and the Public Health Agency of Canada. It provides a ten-year (2007-2017) provincial wellness framework to facilitate a comprehensive, cross-sectoral approach for current and future child and youth wellness activities. Key outcomes include: enhanced health benefits for low-income pregnant women, improved access to mental health services for infants, children, youth and their families, and enhanced services for children and youth at risk.

230. In 2007-2008, $4 million was allocated to Alberta's Cross-Ministry Committee on Fetal Alcohol Spectrum Disorder (FASD) to begin implementation of the FASD 10-Year Strategic Plan. Since then, the Government of Alberta has increased funding to $16.5 million annually for continued implementation of the Strategic Plan. Twelve FASD Service Networks have been established to address the three service delivery pillars of the Strategic Plan: assessment and diagnosis; targeted and indicated prevention; and supports for individuals and caregivers across the lifespan. The plan is available online at: www.fasdcmc.alberta.ca/uploads/1004/fasd10yrplanfinal86321.pdf.

231. In September 2006, the Government of Alberta released Positive Futures – Optimizing Mental Health for Alberta's Children and Youth: A Framework for Action. As part of the release, Alberta invested $38.9 million for children's mental health promotion projects. Of this, $25.8 million was allocated to the initiative Mental Health Capacity Building for Children and Families in Schools, which implemented mental health prevention and promotion projects in 31 schools across the province. Positive Futures is available at: www.health.alberta.ca/documents/Mental-Health-Framework-Child-06.pdf.

232. In August 2008, the Government of Alberta released the three-year Children's Mental Health Plan for Alberta. The plan aims to optimize the mental health and well-being of persons under 25 years of age and their families. The sum of $50.5 million was invested to improve access to children's mental health services and address the mental health needs of children and youth at risk. The Children's Mental Health Plan is available online at: www.health.alberta.ca/documents/Mental-Health-Plan-Children-08.pdf.

233. The Rick Hansen Foundation received from Alberta a $12 million grant for spinal cord injury leadership, over the five-year period of 2006-2007 to 2011-2012. This initiative is intended to have a significant positive impact on people living with spinal cord injury, future spinal cord injury victims, and their family members.

(c) Women's health

234. In December 2008, Alberta supported the Women in Shadows: Prenatal Care for Street-Involved Women project, which provides training and support for health providers who work directly with street-involved pregnant women. The three-pronged approach targets women who do not consistently access prenatal services during their pregnancy.

(d) Mental health

235. The Mental Health Amendment Act, fully proclaimed in January 2010, includes the introduction of community treatment orders to assist in the treatment and support of persons with serious and persistent mental disorders. The sum of $17 million was invested to facilitate implementation of the Act and community treatment orders.

Saskatchewan

General

(a) Strengthening health care

236. The Government of Saskatchewan strives to improve the health of and health care for Saskatchewan residents, not only in the priority areas addressed in the 2004 federal-provincial-territorial Ten-Year Plan to Strengthen Health Care (the Plan), but in all aspects of the health system. A key part of planning for the future has been the undertaking of the patient care review initiative. This initiative sought input from patients, families, stakeholders and experts with the goal of improving the front-line care for patients and creating a quality work environment for health care professionals. The October 2009 report on patient care review (www.health.gov.sk.ca/patient-first-commissioners-report) will be used by the Government as a guide to the future of health care in the province.

237. Since the Plan was signed in 2004, Saskatchewan has made progress in reducing wait times and improving access to surgery and specialized diagnostic imaging. In 2008-2009, a new provincial clinical pathway for non-emergency hip and knee replacements was completed which streamlines the patient's journey from family physician through post-surgery rehabilitation, and improves service to patients by defining and standardizing key processes.

238. The Plan recognized that creating a sustainable supply of health professionals is important to ensuring timely access to health care. Among the many human resources initiatives related to health undertaken by the province, a Partnership Agreement was signed with the Saskatchewan Union of Nurses in February 2008, under which the Government committed $60 million towards the hiring of 800 registered nurses and registered practical nurses by April 2011. In 2008-2009, their numbers in the health regions increased by 159, achieving 20 percent of the target of 800 set out in the partnership.

239. In the fall of 2009, planning began on developing a surgical initiative to reduce wait times for the province. Saskatchewan first introduced target time frames as performance goals for the surgical system in 2004, with advice from the Saskatchewan Surgical Care Network. They establish targets for each of the four priority levels for non-emergency surgery, determined through the patient assessment process. The goal for priority level 1 is for 95 percent of patients to be treated within three weeks.

Article 2: Rights specifically subject to non-discrimination provisions

240. An amendment to the definition of "age" in the Saskatchewan Human Rights Code came into force in November 2007, effectively ending mandatory retirement.

Article 6: Right to work

Employment equity

241. Between March 2006 and March 2009, representation in Executive Government increased as follows:

- Women in management: from 40.0 to 45.5 percent;
- Aboriginal persons: from 10.8 to 11.6 percent;
- Visible minority persons: from 2.8 to 3.5 percent.

242. Increasing the representation of persons with disabilities, the fourth equity group, remains a challenge, as the percentage of employees with disabilities decreased slightly from 3.5 to 3.1 percent over the same period.

Article 7: Right to just and favourable working conditions

243. The Saskatchewan Government has an Equal Pay for Work of Equal Value and Pay Equity Policy Framework. Each public sector employer (Executive Government, the Crown sector and the Health sector) implemented its own pay equity scheme within these guidelines. Pay equity was implemented in Executive Government's three employee groups: members of the Saskatchewan Government and General Employees Union (1997), members of the Canadian Union of Public Employees (2002), and non-union employees (2005). The wage gap between males and females within all three employee groups was eliminated as of March 2006, and has not resurfaced as of March 2009.

Article 9: Right to social security

244. The social assistance caseload declined steadily between 2005 and 2008 and increased slightly in 2009.

Table 11
Number of households receiving provincial income assistance, 2005 to 2009

Year	*Monthly Average*
2005	27,459
2006	27,117
2007	26,424
2008	24,548
2009	25,356

245. Social assistance benefits available through the Saskatchewan Assistance Program (SAP) and the Transitional Employment Allowance (TEA) were increased several times between 2005 and 2009:

- The adult basic allowance for food, clothing, and personal needs increased in 2005, 2006 and 2007, rising by nearly 31 percent (an increase of $60 per adult, per month);

- Shelter allowances were increased in 2005, 2007 and 2008 when government also committed to index the allowances to increases in rental costs until 2011. Indexation adjustments to shelter allowances were made in the spring and fall of 2009;
- Exemptions on earned income in the SAP were increased for persons with disabilities in 2005 and for persons without disabilities in 2007;
- In 2006, new pre-employment, job start and relocation allowances were introduced in the TEA program.

246. The Saskatchewan Rental Housing Supplement program was introduced in 2005 to provide additional financial assistance to tenant households receiving social assistance as well as low-income households. The program seeks to increase access to affordable and safe housing for low-income families with children, and individuals with disabilities.

247. In January 2009, maximum benefits available to low-income seniors through the Seniors Income Plan were doubled, helping reduce their poverty levels. Accessibility was increased, nearly doubling the number of households that qualified for support under the program.

248. While the National Child Benefit/Canada Child Tax Benefit did not have a direct impact on social assistance during the period, increases in the National Child Benefit Supplement had the intended effect of displacing benefits previously provided by the Saskatchewan Child Benefit (SCB) program. The SCB was introduced in 1998 as a transitional program, intended to simulate a mature National Child Benefit Supplement, and was phased out in 2006.

Article 10: Protection of the family, mother and child

249. The 2008-2009 provincial budget included a $1.1 million funding increase to strengthen services and supports for survivors of sexual assault and to enhance the safety and support of women and their children leaving violent and abusive situations. The funding was allocated to 29 services located in 14 communities across Saskatchewan and two umbrella organizations that support the community-based organizations delivering the services. Additional funding was provided to the YWCAs in two communities to support housing for women and children who require short-term, safe shelter due to domestic violence, abuse, or other issues.

250. In addition to the two Domestic Violence Courts referred to in paragraph 247 of Canada's Seventeenth and Eighteenth Reports under the International Convention on the Elimination of All Forms of Racial Discrimination, a Domestic Violence Treatment Court was implemented in Regina in 2008. These Courts enhance the treatment options for those involved with the provincial Domestic Violence Treatment Option. They are designed to provide timely and accessible services for individuals who are abusive to their partners.

Article 11: Right to an adequate standard of living

(a) Minimum wage

251. The minimum wage in Saskatchewan was increased in 2008 and 2009 as follows:

- January 1, 2008 – from $7.95 to $8.25 per hour;
- May 1, 2008 – to $8.60 per hour;
- May 1, 2009 – to $9.25 per hour.

252. Section 15(4) of the Labour Standards Act requires the Minimum Wage Board to review the minimum wage and make recommendations to the Minister at least once every

two years. Part of the mandate of the Board is to consider the social and economic needs of the minimum wage worker and consider the impact on the economy.

(b) Measuring poverty

253. The incidence of low income for all Saskatchewan residents, as measured by the after-tax Low Income Cut-Off, fell from 10.8 to 7.2 percent between 2005 and 2008 and from 13.1 to 9.1 percent among children under 18 (Statistics Canada, *Incomes of Canadians*, 2008). The decreases are partly attributable to new tax and transfer measures targeted to low-income households during the period, and to a booming provincial economy.

(c) Homelessness

254. Saskatchewan has improved or increased support for activities that address homelessness:

- Emergency and second-stage shelter spaces: When applying for social housing, priority is given to victims of violence and the homeless; emergency support is provided to access shelters. Emergency and second stage shelter spaces have been improved and expanded. Per diem rates for individuals and families using emergency or temporary housing were increased in 2008. New shelter spaces and affordable housing were developed;
- Research: There are ongoing needs assessments for services and facilities;
- Continuum of services: Saskatchewan recognises that a continuum of services is needed to move people out of the cycle of homelessness. Services are provided by the province and by community organizations at community centres to respond to immediate needs. Support services and programming are then provided to help the homeless access and maintain housing.

Article 12: Right to physical and mental health

255. In December 2006, Saskatchewan HealthLine, the province's free, confidential 24-hour health advice telephone line, launched a Mental Health and Addictions Crisis Response component. Callers assessed as requiring a crisis response can be immediately referred to a HealthLine mental health or drug/alcohol specialist. Services were later expanded to include social workers or registered psychiatric nurses to assist clients.

(a) Aboriginal Health Transition Fund

256. Through federal funding under the Aboriginal Health Transition Fund Adaptation Envelope, Saskatchewan is adapting existing provincial health programs and services to better meet the needs of Aboriginal people and is funding the following projects:

Project	*Proponents*	*Objective*
Adaptation of the Provincial Health Care System to Better Meet the Needs of Métis People in Health Prevention, Promotion and Education	Métis Nation – Saskatchewan (MN-S) and the Ministry of Health	To create structures and processes to enable MN-S and the Ministry of Health to better respond to the health care needs of the Métis population by adapting the current system.

Project	*Proponents*	*Objective*
Cumberland House Healthy Community Proposal	Kelsey Trail Regional Health Authority	To support and enhance increased mental health services, alcohol and drug services focussing on family violence, substance use/abuse, suicide prevention, self-esteem issues, and enhanced community education and information.
Families First Maternal Child Health Initiative	13 agencies including numerous First Nations, Yorkton Tribal Council, Good Spirit School Division and Governments of Canada and Saskatchewan programs and services	To enhance service delivery and supports to families through the Families First Program, to improve access to pre-natal resources and supports, and implement and integrate cultural diversity, traditions and respect into service delivery.
Strengthening the Circle: Partnering for Improved Health for Aboriginal People	Saskatoon Health Region, Kinistin Saulteaux Nation and Central Urban Métis Federation Inc.	To transform how First Nations, Métis organizations and the Saskatoon Health Region do business. To create a sustainable partnership that will have as its sole mandate to improve the health of Aboriginal people living in the Saskatoon Health Region both on and off reserve.
Service Delivery Model to Ensure Culturally Appropriate Home Care Services to First Nations, Métis and Inuit Populations within Regina Qu'Appelle Health Region (RQHR)	12 stakeholders including RQHR, Carry the Kettle First Nation and First Nations Elders	To strengthen and adapt the current home care services to ensure Aboriginal people are able to access home care services in a timely manner and to receive services in a broader more holistic manner with an emphasis on improved chronic disease management.
Métis Community Health Co-ordinator Initiative	Eagle Moon Health Office at RQHR, Gabriel Dumont Housing, Lebret Métis Farm Land Foundation Inc. and numerous Métis community members, Elders, researchers and consultants	To improve health outcomes for Métis people through collaboration, improved capacity to support and re-orient health services that are culturally appropriate and effective for Métis people, supporting individuals and communities taking responsibility for their own health, and improve service quality and patient safety.
Prairie North Health Region – Partnership for Change	Miwayawin Health Services, numerous First Nations, Prairie North Regional Health Authority and Meadow Lake Tribal Council	To adapt and improve quality health services that promote and support healthy living among diverse populations. Specifically working together for seamless client services, improving access to health services through better cross agency communication, improved planning, service provision, problem solving and evaluation of services, developing inter-organizational service teams and developing opportunities for shared staff and client education.

Project	*Proponents*	*Objective*
Northern Health Strategy	13 agencies including First Nations, health authorities and First Nations organizations, and Governments of Saskatchewan and Canada	To continue the work of the Northern Health Strategy in co-ordinating delivery of multiple jurisdictions in the North so residents receive the health services they require in a cost-efficient and effective manner.
Chronic Disease Network and Access Program	Prince Albert Grand Council and Prince Albert Parkland Health Authority	To develop a seamless process for chronic disease management among the partner agencies.
Saskatoon HIV Aboriginal Reduction of Harm Program	Saskatoon Tribal Council and Saskatoon Regional Health Authority	To control HIV and sexually transmitted infection incidence in low-income neighbourhoods where there is a high incidence of HIV and sexually transmitted infections.
Transition to a Multidisciplinary Primary Care Maternal Child Health Program	File Hills Qu'Appelle Tribal Council and Regina Qu'Appelle Health Authority	To improve maternal and child health services provided through the All Nations' Healing Hospital in Fort Qu'Appelle.
Restoring a Path to Traditional Health and Wellness	Regina Qu'Appelle Regional Health Authority	Improve access to traditional Aboriginal healing practices for First Nations and Métis peoples as well as improving the understanding of mainstream health providers of these practices.
Crossing the Barriers – Working in Collaboration Toward Improved Health Care Services	Regina Qu'Appelle Regional Health Authority	To engage one First Nation and one Métis community in identifying needs, and to develop a strategic plan to address gaps in service.
Tri-First Nations Saulteaux Chiefs Healing Project (program design) Phase II	Saskatoon Tribal Council for Tri-First Nations Saulteaux Chiefs	To develop a comprehensive health and social services program framework based on holistic cultural principles and complete community consultation; recommend how to integrate and adapt services; design program and service delivery; and seek resources for implementation.

257. In June 2008, the Government of Saskatchewan entered into a Memorandum of Understanding on E-Health Initiatives with the Northern Inter-Tribal Health Authority (NITHA) and the Government of Canada. Priorities that have been identified through discussions with NITHA include Telehealth, the Saskatchewan Immunization Management System, and the federal Public Health Surveillance System (Panorama).

(b) Right to drinking water and sanitation

258. The Government of Saskatchewan is committed to ensuring cities and rural communities are supported as partners in the management of groundwater and watersheds. To prevent and reduce risks to public health and the environment, and to ensure safe, sustainable drinking water and wastewater, the province: inspects semi-public waterworks and certain other waterworks for compliance with provincial regulations; manages data

systems for Public Health Inspectors and laboratory information; provides analysis through the Saskatchewan Disease Control Laboratory; and dispenses advice on addressing waterborne illnesses.

Article 13: Right to education

259. The Education Act, 1995 provides for the establishment of registered independent schools by private groups or organizations, in recognition of the right of parents to raise and educate their children in accordance with their faith or conscientious beliefs. The Independent Schools Regulations and Independent Schools Policy Manual provide the framework to balance the educational interests of the children enrolled in independent schools, their parents, and the public. A registered independent school provides its pupils of compulsory school age with a legitimate exemption from attendance at a public or separate school.

260. Registered independent schools are not eligible for provincial funding, with the exception of (a) eight faith-based historical high schools in the province; (b) associate schools, all of which are faith-based, which have an agreement with a school board to operate in association with that board; and (c) alternative schools. The Saskatchewan education system is based on the principle of a publicly funded education system to meet the needs of the majority of Saskatchewan students. While parents may opt out of the public education system for reasons of faith or conscientious beliefs, they do so at their own cost as the Government of Saskatchewan does not have a legal obligation to fund schools for those who make that choice.

Article 15: Right to take part in cultural life and to benefit from scientific progress and the protection of authors' rights

261. The Arts Professions Act, enacted in 2009, requires written contracts between professional artists and engagers beginning in June 2010. This new requirement will help ensure artists receive fair and timely compensation for the goods and services they provide to engagers.

262. During 2009, two rounds of province-wide consultations with the cultural sector were held to develop a provincial cultural policy that will benefit the entire sector. *Pride of Saskatchewan: A Policy Where Culture, Community and Commerce Meet* has a long-term vision that focuses on the economic and social benefits of culture (www.tpcs.gov.sk.ca/cultural-policy).

263. Broadband internet service can make cultural heritage more accessible. The province's telephone utility, SaskTel (www.sasktel.com), delivers a program that seeks to expand and improve broadband internet service to all communities. As well, free internet service is available through public libraries.

264. Saskatchewan has undertaken many assessments of legislation, programs and policies relating to protection of, and access to, cultural heritage. Some recent reports that highlight good practices and lessons learned in cultural heritage can be accessed at www.tpcs.gov.sk.ca/Research-Dialogue.

Manitoba

Article 3: Equal rights of women and men

265. The Pay Equity Act (web2.gov.mb.ca/laws/statutes/ccsm/p013e.php) applies to the Manitoba Civil Service, Crown corporations, hospitals, universities and school divisions.

Its mandate and purpose, equal pay for work of equal value, was achieved by 1994 after school divisions adjusted wages to conform to the Act. While the Act does not apply to the private sector, in 2009, men nevertheless received an average wage increase of 6 percent, compared to 3.2 percent for women, which suggests that the wage gap between male and female workers may be growing.

Article 6: Right to work

266. The legislated minimum hourly wage in Manitoba was increased during the reporting period: as of October 2009, it stands at $9.00, compared to $7.25 in 2005.

267. Under the six-year Canada-Manitoba Labour Market Agreement, signed in April 2008, the Government of Canada is making additional annual investments that will allow Manitoba to deliver programs and services for vulnerable groups, in particular unemployed individuals not eligible for employment insurance and employed low-skilled individuals. Findings of the second evaluation of programming delivered under the Agreement, which will cover the reporting period, are due in 2010.

268. Examples of employment initiatives under Manitoba's Rewarding Work strategy (www.gov.mb.ca/fs/rewardingwork/index.html?/) include:

- MarketAbilities – provides intensive, specialized services to persons with disabilities on income assistance to help them explore and secure employment. In 2009-2010, 26 percent of the participants found secure, paid employment. Also in 2009-2010, five projects in rural and northern areas were funded with 57 percent of participants obtaining employment (www.gov.mb.ca/fs/rewardingwork/yearone.html);
- Enhanced Vocational Rehabilitation Services – the Vocational Rehabilitation Program supported 4,046 persons with a disability during 2009-2010 in pursuing and securing gainful employment and funded 15 Supported Employment agencies located throughout the province for that purpose. The agencies provided services to 999 citizens in 2009-2010, 429 of whom reported finding employment;
- Disability Awareness Campaign – to promote the advantages of hiring persons with disabilities.

269. In 2007, Manitoba's Employment Standards Code was amended to improve statutory holiday pay provisions for part-time workers; expand the definition of a "family member" to qualify for various statutory leaves; and improve coverage for domestic workers and live-in nannies (web2.gov.mb.ca/laws/statutes/ccsm/e110e.php).

270. In 2008, Manitoba launched a targeted public education strategy to protect vulnerable workers. Through partnerships with education and skill providers for youth and newcomers to the province, employment standards information was provided to more than 4,000 new immigrants and 10,000 high school students.

271. Regulatory changes under Manitoba's Employment Standards Code expanded employment standards coverage to agricultural workers. Employees working in the primary production of agricultural products (other than employees working on a farm owned by a family member) receive basic coverage excluding overtime, hours of work, general holidays and wages for reporting to work. Employees working in climate-controlled facilities (e.g., hog barns and hatcheries), and employees working for a service provider (e.g., chemical spreaders) receive full coverage.

272. Through the Manitoba Provincial Nominee Program, temporary foreign workers in Manitoba are eligible to apply for permanent residence under the Program provided they have worked for six months and have a guarantee of full-time employment (www2.immigratemanitoba.com/browse/howtoimmigrate/pnp/pnp-employerdirect.html).

(a) Agreement on Internal Trade

273. Manitoba's Labour Mobility Act (web2.gov.mb.ca/laws/statutes/ccsm/l005e.php) came into effect on June 11, 2009, and allows certified workers from other Canadian jurisdictions to practice their occupations in Manitoba in accordance with Chapter 7 (Labour Mobility) of the Agreement on Internal Trade. The Agreement is available online at: www.ait-aci.ca/index_en/labour.htm.

(b) Public Service

274. Initiatives implemented in the Manitoba Civil Service during the reporting period include: Touchstone (2005) – a formal network support group for Aboriginal employees; the Women's Leadership Program (2006); the Provincial Civil Service Diversity Strategy (2008); the Career Gateway Extension Project (2008) – which supports the training, development and recruitment of visible minorities and immigrants; the Public Administration Program for Persons With a Disability (2009); and Lesbian, Gay, Bisexual, Transgender and Two-Spirit (2009) – acknowledgement of this community through awareness and education presentations to managers and employees.

Table 12
Impact of Initiatives Related to Employee Representation in the Manitoba Civil Service

Equity Group	*2005 (%)*	*2009 (%)*
Women	53	54
Aboriginal People	10.5	12.6
Visible Minorities	3.9	5.7
Persons With a Disability	2.8	3.1

Article 7: Right to just and favourable working conditions

275. Changes to Manitoba's Workers Compensation Act in 2005 increased permanent injury benefits; eliminated benefit reductions for workers 45 and older; and provided 100 percent wage replacement for minimum wage earners, among other changes. In 2007, mandatory workers compensation coverage was expanded to include a wide range of formerly excluded occupations – affecting approximately 1,150 employers and 7,000 workers in Manitoba (web2.gov.mb.ca/laws/statutes/ccsm/w200e.php).

276. Manitoba's Worker Recruitment and Protection Act, which came into effect in April 2009, protects vulnerable workers by regulating employment agencies, child talent agencies and foreign worker recruiters. More information is available at: web2.gov.mb.ca/laws/statutes/ccsm/w197e.php.

277. In 2009, Manitoba set up an employment standards Special Investigation Unit to identify situations and industries that require proactive investigation, so as to offer protection for members of vulnerable groups who are unaware of their rights or fearful of filing individual complaints.

Article 8: Trade union rights

278. In June 2007, the Manitoba Labour Board certified a union as bargaining agent for the employees of Mayfair Farms, based in Portage la Prairie. Nearly all of the workers in the bargaining unit were Mexican agricultural workers. In July 2009, the Board revoked certification after an application to de-certify the union was supported by workers following

a representation vote. The decision may be accessed at: www.gov.mb.ca/labour/labbrd/decisions/2007/lr060595.pdf.

Article 9: Right to social security

(a) National Child Benefit

279. Since January of 2004, income assistance benefits for all Manitoba families with children have not been reduced by the amount of the National Child Benefit (NCB) Supplement. NCB investments and reinvestments include funding for child care, and supports and services for children with disabilities. More information is found at: www.nationalchildbenefit.ca/eng/home.shtml.

280. An evaluation of the NCB in 2005 demonstrated that the initiative has been generally successful in achieving its stated objectives: helping to prevent and reduce child poverty; promoting attachment to the workforce by ensuring that families are better off employed; reducing overlap and duplication through closer harmonization of program objectives and benefits; and through simplified administration.

(b) Social assistance

281. From 1999-2000 to 2009-2010, Manitoba's social assistance caseload decreased by 2,044 cases (5.8 percent) to 33,233. However, from 2007-2008 to 2009-2010, the caseload showed an increase of 2,290 cases (7.4 percent) – the first increase in the caseload since 2004-2005 – and increases to the three major categories of social assistance recipients: persons with a disability, general assistance and single parents.

282. During the reporting period, social assistance rate improvements have been made for singles and couples without children and to all cases in the persons-with-disabilities category. Families have benefited from annual increases in federal child benefits.

Table 13
Monthly Financial Benefits (federal and provincial) – Employment and Income Assistance Participants

	July 1999	*July 2006*	*July 2010*	*Increase ($)*	*Increase (%)*
Single General Assistance Adult	$463	$485	$576	113	24.4
Single Person with a Disability	$693	$751	$794	101	14.6

283. In assessing the level of benefits available under the Manitoba Employment and Income Assistance program, the province no longer treats as assets the federal Universal Child Care Benefit for families with children under six years of age and income from and assets in the federal Registered Disability Savings Plan.

284. The benefit provided to persons with disabilities to help with the additional costs of living with a disability was increased by $25 to $105 per month in February 2008.

285. In 2007-2008, Manitoba introduced the four-year Rewarding Work strategy to help low-income people get and keep jobs (www.gov.mb.ca/fs/rewardingwork/index.html?/). Initiatives include education and training support programs, wage subsidies, special allowances, enhanced work incentives and other supports to assist individuals in overcoming barriers to work; supports for working families such as the Manitoba Child Benefit (www.gov.mb.ca/fs/assistance/mcb.html); and supports for persons with disabilities such as the MarketAbilities initiatives (discussed above).

286. In July 2006, the Manitoba Shelter Benefit was implemented to restructure and enhance existing shelter allowance programs (www.gov.mb.ca/fs/assistance/shelterbenefit.html).

287. In May 2009, Manitoba launched Rebound, an $11.2 million, two-year retraining and support strategy that will assist more than 1,000 low-income workers and Employment and Income Assistance participants (www.gov.mb.ca/fs/rewardingwork/yearthree.html).

(c) Seniors

288. Quarterly benefits to seniors over the age of 55 who qualify for the 55 Plus Program, an income supplement program, increased by 45 percent in April 2008. More information is available at: www.gov.mb.ca/fs/assistance/55plus.html.

Article 10: Protection of the family, mother and child

(a) Child care

289. Family Choices: Manitoba's Five-Year Agenda for Early Learning and Child Care, announced on April 28, 2008, is based on the principles of accessibility, universality, affordability and quality. Family Choices is expected to increase funding for child care by 84 percent to $201.8 million by 2013 and includes 6,500 additional funded child care spaces; a child care safety charter; age-appropriate curricula and enhanced program quality; lower fees; greater inclusion and diversity; and stronger parental stewardship, among other measures. (www.gov.mb.ca/fs/childcare/familychoices/index.html)

(b) Foster care for Aboriginal children

290. As of March 31, 2009, Manitoba's child and family services system had 8,629 children in its care, 7,419 of whom were Aboriginal children.

291. Over the last decade, Manitoba's child and family services system has been restructured under the Aboriginal Justice Inquiry-Child Welfare Initiative to recognize the right of First Nations and the Métis to control the development and delivery of child and family services to their peoples. In 2006, the Changes for Children initiative was launched to improve the system in seven thematic areas, two of which include keeping children safe through primary prevention programs and a priority emphasis on early intervention for families. As part of this initiative, Manitoba has implemented the Manitoba Differential Response/Family Enhancement, an early intervention and prevention approach. The initiative may be found at: www.changesforchildren.mb.ca.

(c) Family violence

292. Manitoba's Family Violence Prevention Program supports 32 community-based programs to promote the elimination of intimate partner violence at a total investment of over $12 million. In the ten-year period from fiscal year 1999-2000 to 2009-2010, funding to support those impacted by domestic violence increased by 88 percent.

293. All victims of domestic violence in Manitoba have access to an emergency shelter, twenty-four hour crisis counselling, and a continuum of support services at no cost. Training initiatives and enhanced promotional activities have been effective in raising awareness of domestic violence prevention across multiple sectors.

294. Amendments to Manitoba's Domestic Violence and Stalking Prevention, Protection and Compensation Act, in force as of October 31, 2005, expanded the categories of relationships for which civil orders of protection may be sought: 2006-2007: 807 orders;

2007-2008: 824 orders; 2008-2009: 694 orders; 2009-2010: 673 orders. The Act may be found at: web2.gov.mb.ca/laws/statutes/ccsm/d093e.php.

295. Manitoba's Family Violence Prevention Program (www.gov.mb.ca/fs/fvpp/) includes:

- The interdepartmental Workplace Initiative to Support Employees on Family Violence (May 2009), through which public- and private-sector employers receive training and a "toolkit" to assist in recognizing when domestic violence impacts the workplace and how to offer appropriate supports; and
- A cross-jurisdictional committee tasked with developing a strategy to educate victims of domestic violence and service providers on the safe use of communication and information technology.

296. Manitoba established the Manitoba Integrated Task Force for Missing and Murdered Women on August 26, 2009, to review and investigate unsolved cases. The link to the task force is at: www.gov.mb.ca/chc/press/top/2009/08/2009-08-26-135500-6621.html.

297. On September 9, 2009, the Manitoba Action Group on Exploited and Vulnerable Women was established to provide strategic advice and assistance to the provincial government as it develops new policies to address the issues of exploitation and violence against women. It includes members from the Assembly of Manitoba Chiefs, the Métis Women of Manitoba, the Mother of Red Nations Women's Council of Manitoba and the Native Women's Transition Centre. A backgrounder is found at: www.gov.mb.ca/asset_library/en/newslinks/2009/september2009/RoundTable2BG.FH.doc.

298. Manitoba also participates in the Aboriginal Affairs Working Group, established in October 2009, consisting of ministers of Aboriginal Affairs from across Canada and national Aboriginal leaders. The Working Group is pursuing a national, co-ordinated effort on addressing the issue of missing and murdered Aboriginal women.

299. On December 10, 2008, Manitoba launched Phase 2 of an anti-sexual exploitation strategy called "Tracia's Trust", which focuses on coordinating and expanding services, introducing more awareness and prevention initiatives and making offenders more accountable. More information may be found at: www.gov.mb.ca/chc/press/top/2008/12/2008-12-10-115500-4916.html.

Article 11: Right to an adequate standard of living

(a) Minimum wage

300. The minimum wage was increased by 25 cents to $9.00 per hour on October 1, 2009. Manitoba takes a balanced and measured approach to setting the minimum wage, in consultation with the labour and business communities, to ensure that low-income working people are reasonably compensated for their work and receive wages that keep pace with the cost of living, and to maintain a competitive minimum wage to attract and retain workers (news.gov.mb.ca/news/index.html?archive=2010-04-01&item=8124).

(b) Poverty reduction

301. Manitoba considers the Market Basket Measure to be a more realistic measure of low income for Manitoban families since it takes into account the actual purchasing power of families and is based on the actual cost of goods and services in communities. The province considers it to be the only low-income measure in Canada that accounts for cost of living differences across regions.

302. Using the Market Basket Measure, between 2000 and 2007, the rate of poverty for all persons in Manitoba decreased by 34.6 percent (from 13.3 percent to 8.7 percent). The incidence of child poverty decreased by 49.2 percent (from 19.9 percent to 10.1 percent) and the incidence of poverty in lone-parent families decreased by 47.9 percent.

303. On May 21, 2009, Manitoba introduced ALL Aboard, a formal poverty reduction and social inclusion strategy that focuses on ensuring that resources continue to be targeted in the most effective ways, helping Manitobans who need them most. It includes a commitment to measure progress by tracking key indicators for the four pillars of the strategy: safe, affordable housing in supportive communities; education, jobs and income support; strong, healthy families; and accessible, coordinated services. In 2009-2010, the Government of Manitoba conducted a comprehensive consultation on the strategy, which is available at: www.gov.mb.ca/fs/allaboard/index.html.

304. The First Peoples Economic Growth Fund was jointly established by Manitoba and the Assembly of Manitoba Chiefs in September 2008. The Fund will receive approximately $20.5 million over five years, and will provide a variety of loan and assistance programs for First Nations entrepreneurs both on- and off-reserve. More information about the fund may be found at: www.firstpeoplesfund.ca.

(c) Right to food

305. Manitoba's Food Safety Act provides a legal framework for overseeing the production and processing of food in the province and for improving the protection of food from farm to table. Also under this Act, Manitoba can deal with significant disruptions in its food supply caused by major emergencies such as a pandemic. The Act may be found at: web2.gov.mb.ca/bills/39-3/b007e.php.

306. Manitoba's Northern Healthy Foods Initiative is a long-term strategy to build food security and leadership capacity in the North. This initiative seeks to develop food self-sufficiency by increasing community capacity to produce foods for local consumption. The link is found at: www.gov .mb.ca/ana/pdf/nhfi_guidelines_application.pdf.

307. The 2009 Mel Johnson School Project was presented to the United Nations Commission on Sustainable Development as a practical example of the benefits of this initiative: www.gov.mb.ca/asset_library/en/newslinks/2010/5/SustainableDevelTeachersBG.E.doc.

308. Manitoba's Northern Agriculture Programs leverage funding for innovative projects that provide practical support and solutions to expanding agriculture and food production, thereby increasing the availability and reducing the cost of fresh, healthy foods for northern residents.

(d) Homelessness

309. Affordable housing and related support services have been identified as key concerns for low-income individuals with mental health issues in Manitoba. The province's Homeless Strategy with a Focus on Mental Health Housing (part of ALL Aboard – discussed above) was announced in May 2009. Manitoba has made significant progress in working with approximately 40 community and business partners to assist the homeless and those at risk of homelessness in finding and keeping suitable, affordable housing with supports and services. The challenge, however, is that the need for affordable housing with supports and services remains high, and available funding will address only a small portion of the need.

310. Homeworks!, Manitoba's homeless strategy, has resulted in many new initiatives for the homeless, including adding shelter beds and increasing funding for homeless shelters by 67 percent; new emergency shelter standards; a "cold weather" protocol to ensure shelter is

available in the winter months; assisting long-term shelter users to find permanent housing; and hiring Homeless Outreach Mentors to assist homeless individuals in finding housing, social and health services. More information can be found at: www.gov.mb.ca/chc/press/top/2009/05/2009-05-21-124100-5935.html.

311. Seventy-five to 80 percent of Winnipeg's homeless population is estimated to be comprised of Aboriginal persons. The At Home/Chez Soi Winnipeg project, launched on November 23, 2009, is a pilot project in partnership with the Mental Health Commission of Canada that focuses on helping homeless Aboriginal persons with mental health issues. The local Aboriginal population will be consulted extensively throughout the project and an Aboriginal Cultural Lens Committee has been established for that purpose. The link to the project is found at www.mentalhealthcommission.ca/English/Pages/WinnipegResearch.aspx.

312. Information about the Winnipeg Housing and Homelessness Initiative, which was renewed in 2008 by the governments of Canada and Manitoba, and the City of Winnipeg, can be found at: www.whhi.ca/about.html.

Article 12: Right to physical and mental health

313. Phased-in implementation of Manitoba's Triple P Positive Parenting Program, begun in 2005, has been expanded to all Manitoba communities, including urban, rural, northern and First Nation. The Triple P program provides Manitoba parents with evidence-based parenting information and support to promote healthy childhood development, and strong families and communities (www.gov.mb.ca/healthychild/triplep/index.html).

314. As part of the province's Women's Health Strategy (www.gov.mb.ca/health/women), a Women's Health Profile was completed in partnership with the Prairie Women's Health Centre of Excellence, by conducting a gender-based analysis of provincial and federal data to identify over 140 indicators of women's and teen girls' health. Workshops were held with all Regional Health Authorities on the Profile and on gender-based analysis as a methodology for community health assessment and health planning.

315. Various initiatives were supported in 2008-2009 to ensure the health and wellness of babies, children and their mothers, including the Baby Friendly Initiative; the Baby Friendly Manitoba Breastfeeding Strategy; the Babies Best Chance book; and Manitoba's Children's Therapy Initiative. For more information, see: www.gov.mb.ca/healthyliving/nutrition/bfm.html, and www.edu.gov.mb.ca/k12/specedu/intersectoral/cti.

316. Initiatives under Manitoba's Foetal Alcohol Syndrome Disease (FASD) Strategy include the expansion of the InSight Mentoring Program (formerly Stop FASD) and the implementation of Project Choices – a prevention-focused, research-based program designed to reduce risky drinking behaviours and promote the use of effective contraception methods (www.gov.mb.ca/healthychild/fasd).

317. In December 2008, Manitoba released the Reclaiming Hope: Manitoba's Youth Suicide Prevention Strategy, which was developed through an inter-departmental partnership and community stakeholder collaboration. As part of this Strategy, several evidence-based programs were identified for implementation in selected schools and school divisions across the province (www.gov.mb.ca/health/mh/hope.html).

318. To support access to information, the Manitoba Healthy Living website was updated to comply with World Wide Web Consortium (W3C) priority 1 and 2 standards to assist persons with disabilities.

319. Many Aboriginal people in Manitoba live in northern and remote communities, some without road access, which can make access to health care challenging. Initiatives in 2008 and 2009 to bring health care closer to home for people in rural, northern and remote communities include: two new renal health units; the Pine Falls Traditional Healing

Complex (in the early planning stages); new primary health care centres in three communities; the Aboriginal Midwifery Education Program; and expansion of telehealth sites to many reserve communities to link patients and medical staff to specialists.

320. Aboriginal communities were disproportionately affected by the H1N1 flu pandemic outbreak, and the provision of treatment and resources, both medical and human, to remote communities were more complex. Manitoba therefore appointed an Aboriginal Health Advisor to work with First Nations organizations to strengthen surveillance and communication structures to assist in responding to the H1N1 pandemic flu outbreak.

321. In August 2009, Manitoba established a stand-alone mental health crisis response centre to provide a central point of access for people experiencing a mental health crisis, offering screening and assessment, crisis intervention and treatment services, and psychiatric consultation. More information may be found at: www.gov.mb.ca/chc/press/top/2009/08/2009-08-11-102800-6434 html.

(a) Right to water

322. In March 2007 and March 2008, provisions of Manitoba's Drinking Water Safety Act respecting drinking water quality standards, assessment of water system infrastructure and water supply sources, and the requirement of operating licenses for water systems, came into effect.

323. Manitoba's Water Protection Act (web2.gov.mb.ca/laws/statutes/ccsm/d101e.php), in effect January 1, 2006, contains provisions that complement those of the Drinking Water Safety Act (web2.gov.mb.ca/laws/statutes/ccsm/w065e.php), with additional measures to protect the sources of drinking water.

(b) Healthy environment

324. Amendments to Manitoba's Environment Act that prohibit the unauthorized release of pollutants that have a significant negative impact on the environment and health came into effect on December 1, 2009 (web2.gov.mb.ca/laws/statutes/ccsm/e125e.php).

Article 13: Right to education

325. Measures taken by Manitoba to ensure equity and address the educational needs of Manitobans of diverse backgrounds and cultural and linguistic origins, including African Canadians, include:

- The renewal of Manitoba's multicultural education policy and the development of a diversity and equity strategy, including consultation sessions with community groups and organizations and the development of an advisory committee and experts' panel, which both have significant representation from the African Canadian community in Manitoba;
- A multi-year English-as-an-additional-language Action Plan that includes the Intensive Newcomer Support Program, which has benefited many African Canadian youth with war-affected and disrupted education backgrounds;
- A demonstration equity Indicators project intended to help monitor and support Manitoba's efforts to improve educational equity.

326. The Manitoba First Nations Education Resource Centre and the governments of Canada and Manitoba have entered into a partnership agreement (2009-2010 to 2013) to facilitate and support early childhood development, school readiness and high school achievement in First Nations communities. An evaluation strategy for these initiatives is being developed as part of this partnership agreement.

Ontario

General

327. The Accessibility for Ontarians with Disabilities Act, 2005 provides for the development, implementation and enforcement of accessibility standards for goods, services, accommodation, facilities, buildings and employment in Ontario.

328. While the Act does not provide funding to implement accessibility initiatives, the legislation allows for a phased-in approach that gives individual organizations the flexibility to plan and make improvements over time, thereby helping reduce the cumulative impact of all standards. In addition, the government is committed to supporting the public and private sectors by offering educational tools and resources to help organizations understand and meet accessibility requirements. The goal is to make Ontario accessible by 2025. The Act may be found at the following address: www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_05a11_e.htm.

Article 3: Equal rights of women and men

Pay equity

329. In 2009, Ontario women earned on average 85.5 percent of the male hourly wage (all workers 15 years and older); in 2008 they earned 83.7 percent (*source*: CANSIM table 282-0072, Statistics Canada). The wage gap has many causal factors. Pay equity legislation only addresses one component of the gender pay gap: prejudice about the value of women's work and gender-biased pay systems. It is not designed, for example, to address workplace discrimination that prevents women from obtaining employment in higher-paid (e.g., executive) positions, or pay disadvantages that women may face due to time out of the labour force (e.g., maternity leaves).

330. In 2007 in Ontario, the female-to-male earnings ratio for workers 15 years and over was 72.9 percent; women had average annual earnings of $46,700; men earned $64,100 (*source*: Statistics Canada, *Income Trends in Canada*, 1976-2007).

331. For 2008-2009, the Pay Equity Office expanded its monitoring of employers for compliance with the legislation. Of 1992 organizations contacted for this purpose, 535 were assisted in achieving compliance or were ordered to comply. The Office also developed a small business tool kit to assist organizations that lack human resources capabilities.

Article 6: Right to work

(a) Persons with disabilities

332. The province has launched a Don't Waste Talent campaign to help more people with disabilities move into the workforce. It encourages Ontario employers to hire people with disabilities through an Ontario Disability Support Program (ODSP) Employment Supports service provider. The campaign's website provides employers with a one-stop link to job candidates and the supports that employers need: www.accesson.ca/en/mcss/programs/social/odsp/index.aspx.

333. Ontario has also partnered with the Canadian Manufacturers and Exporters association to support the Business Takes Action initiative, which promotes hiring of people with disabilities and provides business-to-business supports. Employers who expand employment opportunities for people with disabilities are recognized.

(b) Social assistance programs

334. Between 2006 and 2009, the number of people with disabilities who were placed in jobs through the ODSP Employment Supports program increased by an average of 28,362 (67 percent), from the 2003-2004 level (11,355 cases).

335. The goal of the Ontario Works program is to help people in financial need find sustainable employment and achieve self-reliance. In 2008, the program implemented the Employment Outcomes-Based Framework, whose aim is to improve two outcomes for individuals: earnings and employment.

336. As of December 2009, 25,561 cases representing 11 percent of the total Ontario Works caseload had employment earnings. The average monthly earnings per case increased 36 percent, from $564 in 2005 to $768. The number of participants who exited to employment increased from 16 percent in 2005 to 19 percent in 2009. More information is available at: www.mcss.gov.on.ca/en/mcss/programs/social/index.aspx.

(c) Access to labour standards protection

337. Ontario has enacted the Employment Standards Amendment Act (Temporary Help Agencies), 2009 to further protect temporary help workers, by prohibiting:

- Contract terms with clients or employees that prevent the hiring of a temporary help agency assignment employee by a client of the agency;
- The charging of a fee to a client for hiring an assignment employee once six months have passed since the employee began working for the client through the agency;
- An agency from charging an assignment employee (or prospective assignment employee) certain fees, including a fee for assistance in finding work;
- Reprisals from a client of an agency against an employee who asks about or asserts his or her employment standards rights.

338. The legislation requires agencies to provide basic contact information, information about proposed assignments and the Ministry of Labour's prepared document on employees' rights.

(d) Ontario Labour Mobility Act, 2009

339. The Ontario government has passed the Ontario Labour Mobility Act, 2009 aimed at promoting labour mobility between Ontario and other Canadian provinces and territories. The new legislation allows a worker certified to practice in one province or territory to be certified in that occupation in Ontario without having to complete additional material training, experience, examinations or assessments. This applies to over 80 regulatory authorities and 300 occupations.

Article 7: Right to just and favourable working conditions

Occupational Health and Safety Act amendments

340. The Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), 2009 now requires employers to have policies and programs to prevent workplace violence and address workplace harassment. The amendments allow a person to refuse work if he or she is at risk of physical injury due to workplace violence.

341. The Act defines "workplace harassment" as "engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome", a definition broad enough to capture harassment by any

person in the workplace (including strangers, customers, clients, patients, co-workers or domestic/intimate partners). The definition includes harassment prohibited under Ontario's Human Rights Code, "psychological harassment" or "personal harassment".

342. See also information in Canada's 19th and 20th Reports on the International Convention on the Elimination of All Forms of Racial Discrimination on the Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009 enacted by the government to protect foreign nationals working as live-in caregivers in Ontario.

Article 8: Trade union rights

Right of seasonal farm workers to unionize

343. Agricultural workers (including seasonal workers) are excluded from the Labour Relations Act, 1995 and are covered instead by the Agricultural Employees Protection Act, 2002 (AEPA). The AEPA provides certain rights and protection to agricultural workers (e.g., to form an employee's association), but does not require employers to engage in collective bargaining with agricultural employees' associations. The United Food and Commercial Workers union has challenged the constitutionality of the AEPA and the continued exclusion of agricultural employees from the Labour Relations Act.

344. In November 2008, the Ontario Court of Appeal ruled that the AEPA violated the freedom of association rights of agricultural workers under section 2(d) of the Canadian Charter of Rights and Freedoms, 1982. The Court of Appeal suspended its declaration of constitutional invalidity to allow the government to respond [*Fraser v. Ontario (Attorney General)*, 2008 ONCA 760]. The Ontario government has appealed the decision to the Supreme Court of Canada.

Article 9: Right to social security

(a) Trends in social assistance rates

345. Social assistance rates increased by 3 percent in 2005 followed by annual 2 percent increases from 2006 to 2009, for a total increase of 11 percent. The province's 2010 Budget has proposed an additional 1 percent increase to rates.

346. Between December 2003 and October 2009, the Ontario Works caseload increased by 25.3 percent from 187,978 cases to 235,529 cases and the number of beneficiaries increased by 13.8 percent from 380,404 beneficiaries, to 432,971.

347. Between 2005 and 2009, the ODSP grew by 5 percent per year, on average, and this rate is expected to continue to increase given the province's aging demography and the increasing incidence of disability.

(b) Social assistance

348. The Ontario Child Benefit (OCB), introduced in July 2008, provides low- to middle-income families with financial support for their children outside of the social assistance system. The benefit makes it easier for parents to accept employment because they continue to receive it after leaving social assistance.

349. At that time, social assistance benefits were restructured to remove the children's portion of basic needs benefits and the Ontario Child Care Supplement for Working Families, Ontario's main reinvestment under the National Child Benefit Supplement (NCBS), was rolled into the OCB. Therefore, families on social assistance began to receive the full value of the NCBS without an income charge.

350. A Transition Child Benefit was also introduced for eligible families with children under age 18 on social assistance who do not receive or are receiving less than the maximum amount of the OCB for any of their children.

351. In May 2009, further improvements to Ontario Disability Support Program employment incentives and benefits included:

- Exempting as income and assets the earnings of social assistance recipients who are attending post-secondary school full-time (at least 40 percent of a full course load for persons with disabilities);
- Extending the Up-front Child Care Benefit available to social assistance recipients who need to change their child care arrangements so they can continue to work or to pursue job assistance activities.

Article 10: Protection of the family, mother and child

352. In 2006, changes were made to the Pregnancy/Breast-feeding Nutritional Allowance for women in receipt of social assistance. Previously only available to pregnant women, the allowance was expanded to include breast-feeding women for up to a year after birth.

353. In 2006, the government increased the Up-front Child Care Benefit for informal child care from $390 to $600 per month and extended it to cover expenses for additional employment-related activities (e.g., job search) for ODSP recipients. This benefit covers the full cost of licensed child care for ODSP recipients, who may also deduct child care expenses from their employment income.

(a) Child care investments

354. In 2008, Ontario increased child care funding by $23 million to support fee subsidies for an additional 3,000 children and by $2 million to support new child care spaces for French-speaking Ontarians. The province invests about $869 million in child care annually. For more on child care in Ontario: www.edu.gov.on.ca/childcare/index.html.

(b) College of Early Childhood Educators

355. The Early Childhood Educators Act, 2007 established the College of Early Childhood Educators, a regulatory body for child care workers: collegeofece.on.ca. Since 2007-2008, Ontario has provided $2.2 million to the College: $570,700 in start-up funds, over two years; and a contribution of $1.6 million to cover the one-time $75 application fee for all membership applications received by the College up to January 31, 2009.

(c) Family violence

356. In 2004, Ontario introduced the provincial Domestic Violence Action Plan, investing over $87 million in new funding to: expand community services for survivors; increase awareness of domestic violence through public education campaigns; and strengthen the justice system's response to domestic violence.

357. During the reporting period, Ontario made great progress under the Action Plan:

- Domestic Violence Court Programs are now operating in each of the province's 54 court jurisdictions, compared with 40 sites five years ago;
- A Transitional Housing and Support Program has been implemented, helping abused women find and maintain housing and access counselling, legal services, job training and parenting support. Between 2003 and 2009, the number of women served increased by 8,000 to nearly 20,000 per year;

- $13 million a year has been invested in 42 sexual assault centres across the province, including three new sexual assault centres for French-speaking Ontarians and a satellite office for French-speaking immigrant women;
- Neighbours, Friends and Families was launched, a province-wide public education and prevention campaign to help over 200 communities recognize the early signs of abuse and understand what action can be safely taken. The campaign has been adapted for diverse communities:
    - Voisin-es, Ami-es et Familles, is raising awareness regarding the signs of abuse in Francophone communities. The campaign has deployed regional coordinators and has reached over 3,500 community members with French presentations, workshops and training;
    - Kanawayhitowin, the Aboriginal adaptation of the campaign, reflects a traditional and cultural approach to community healing and wellness. Undertaken by the Ontario Federation of Indian Friendship Centres, the campaign has reached over 3,000 individuals through 470 trained facilitators;
- More than 1,500 abused or at-risk women received training under the province's Domestic Violence Employment Training program to help them find jobs. Specific employment training pilot programs for Aboriginal women were also funded. As of 2009, 172 Aboriginal women had completed training;
- Since 2007, the Building Aboriginal Women's Leadership Program has helped more than 800 Aboriginal women receive community leadership training. More than 200 have secured leadership positions within their communities.

358. Provisions of the Family Statute Law Amendment Act, 2009, which amended the Family Law Act, require parents and non-parents to provide the court with more information about any criminal and/or child protection involvement they have had when making a claim for custody or access to a child. The Act also makes restraining orders more accessible and enforceable by:

- Prosecuting restraining order breaches under the Criminal Code, which allows for tougher enforcement and stricter bail conditions; and
- Expanding eligibility for restraining orders to those living together in a relationship for less than three years.

Article 11: Right to an adequate standard of living

(a) Housing and homelessness

359. In 2008-2009, the Ontario government spent more than $178 million on homelessness prevention programs. This included funding for emergency shelter hostels, permanent housing for people who require assistance with activities of daily living, financial assistance for households facing energy-related emergencies, and prevention support programs that help youth and adults secure and maintain housing.

360. Municipalities deliver homelessness programs on behalf of the province. They identify their local needs and priorities and bring together the right local partners to develop effective responses to the issue of homelessness. Through the Consolidated Homelessness Prevention Program, Ontario funds homelessness prevention programs to assist individuals and families who are homeless or at-risk of homelessness to find and maintain stable housing. The province also funds any emergency hostel beds that municipalities provide to homeless citizens.

(b) Affordable housing

361. The government is improving access to adequate, suitable and affordable housing through an investment of $622 million to match the funding by the Government of Canada for a combined total of $1.2 billion over a two-year period ending March 2011.

362. This includes $704 million to repair existing social housing units and to make them more energy efficient under the Social Housing Renovation and Retrofit Program and $540 million for the Affordable Housing Program Extension (2009) to create new affordable rental housing for low-income seniors and persons with disabilities.

363. Ontario has committed to developing a Long-Term Affordable Housing Strategy, to improve the delivery of housing and homelessness programs and to guide the development of affordable housing. A key element of the Strategy is working with municipal partners to consolidate housing and homelessness programs into an outcomes-focused housing service that is more responsive to client needs.

(c) Minimum wage

364. Ontario's minimum wage as of March 31, 2009 was $9.50 per hour, under the Employment Standards Act, 2000. In 2007, a schedule of increases was announced for 2008, 2009 and 2010. More information about Ontario's minimum wage may be found at: www.labour.gov.on.ca/english/es/guide/guide_4.html.

(d) Initiatives targeting vulnerable groups

365. In April 2008, the government began providing Ontario Works delivery agents with two-year funding under the Canada-Ontario Labour Market Agreement to provide enhanced employment services for vulnerable persons as part of Ontario Works Employment Assistance. The target groups are persons with disabilities, including mental health and/or substance abuse issues, at-risk youth (that is, 16-30 years of age), older workers, Aboriginal persons, newcomers to Canada, persons fleeing domestic violence and homeless persons.

(e) Measuring poverty

366. Ontario's Poverty Reduction Strategy, introduced in 2008, focused initially on giving children and their families the support they need to achieve their full potential. The target for the Strategy is to reduce the number of children living in poverty by 25 percent over five years, based on poverty reduction indicators such as: school readiness, educational progress, high school graduation rates, birth weights, Ontario housing measure, standard of living indicator (deprivation index), low-income measure and depth of poverty measure.

367. For instance, the "depth of poverty" indicator measures the percentage of children under 18 living in a family with an income less than 40 percent of the median adjusted family income in 2008. This indicator assesses the number of people living in deep poverty. Under "low-income measure", the percentage of children under 18 living in a family with an income less than 50 percent of the median adjusted family income is assessed. Ontario's graduation rate measures the percentage of students who graduated within five years after having started high school together. For 2006-2007, Ontario's high school graduation rate was 75 percent.

(f) Reducing poverty

368. In December 2008, as part of the Poverty Reduction Strategy, the province committed to stabilizing the Provincial Rent Bank Program funding at $5 million annually. The first payment of $5 million under the program was made in 2009.

369. Information on progress and further details about the Poverty Reduction Strategy can be found at: www.growingstronger.ca. The Annual Report 2009 is found at: www.children.gov.on.ca/htdocs/English/growingstronger/report/2009/index.aspx.

(g) Student Nutrition Program

370. Supported by volunteers and community partnerships, Ontario's Student Nutrition Program provided healthy breakfast, snacks and lunch to more than 500,000 students at over 4,000 schools in 2008-2009. Annual funding was increased in 2008 by $9.4 million, for a total of $17.9 million. More information is found at: www.children.gov.on.ca/htdocs/English/topics/schoolsnacks/index.aspx.

Article 12: Right to physical and mental health

(a) Access to family health care

371. To improve access to comprehensive family health care, the Ontario government is implementing 50 new Family Health Teams as part of its Family Care for All Strategy. Family Health Teams, which are organizations that include a team of doctors, nurses, social workers and dieticians, provide more service and a wide range of health options, especially for people who don't have a doctor.

372. In February 2009, Health Care Connect was launched to help patients find a family physician or a nurse practitioner in their community. Registration is available online and over the phone in over 120 different languages. Accessibility, social and cultural factors are considered by Care Connectors (who are registered nurses) who help refer patients to family physicians. Referrals are based on the priority of patients' health needs, for example, chronic conditions or health problems, activity-limiting disabilities, mental health status, and obesity. Patients with higher health needs, pregnant women and children two years of age and younger, are identified as a high priority.

373. From 2004-2005 to 2007-2008, Ontario provided funding to medical schools to increase the number of family medicine residency positions by 75 percent (151 positions). This led to 330 more family physicians ready to practice as of 2008. An additional 175 positions are expected by 2013-2014, for a total of 540.

(b) Children's health

374. Since January 2008, the Wait Time Strategy has provided $14.5 million for the performance of 8,229 additional paediatric surgical procedures across the province. In 2009-2010, the Paediatric Wait Time Strategy established the province's first Paediatric Regional Assessment and Treatment Centre to provide care coordination and bariatric surgery services to children with complex severe obesity. Services were expanded for children with Type 2 Diabetes at the Paediatric Diabetes Programs and Paediatric Anaesthesia Care Teams were established to increase access to anaesthesia services for surgical procedures.

375. In December 2006, the Insulin Pump and Supplies Program for Children and Youth (18 years of age and under) was implemented, for children with Type 1 Diabetes. Clients received 100 percent funding of the approved price for the insulin pump ($6,300) and a

yearly grant of $2,400 for related supplies. In September 2008, funding was extended to eligible adults with Type 1 Diabetes, for insulin pumps and supplies.

376. In the 2008, the Ontario government announced $135 million over three years to provide dental care for low-income families, targeting children and youth.

(c) Seniors' health

377. In 2008, the Ontario government began a four-year strategy to expand community services for seniors and their caregivers, including:

- Transition support for seniors from hospitals to community services;
- Home care and community support for seniors at risk of Emergency Room visits and institutionalization; and
- Support to keep seniors healthy and active in their homes and communities.

(d) Aboriginal health

378. The Ontario Diabetes Strategy has two pilot projects focused on Aboriginal people: (1) improving quality of, and access to, diabetes care for Aboriginal people in Southwestern Ontario; (2) building strategies and interventions to address management, care and prevention of complications using a culture-based model of care in Toronto. A pilot project in the Northwest used a health bus to improve access to care in eight communities, four of which are First Nations. Diabetes Regional Coordination Centres were established across the province to coordinate diabetes services. Their functions were to identify the range of services available, determine needs and provide resources to enhance care.

379. Since 2009, the Ontario Aboriginal Health Transition Fund Adaptation Plan has been implemented, which includes initiatives such as the Aboriginal Healthy Babies Healthy Children Program. The Plan seeks to adapt existing provincial health programs to better meet the needs of the Aboriginal population.

380. Since September 2007, Ontario has increased funding for dedicated First Nations Ambulance Services by almost $10 million. This included:

- Three new First Nations ambulance services ($1.3 million) – Garden River First Nation, Noatkemegwanning First Nation and Armstrong First Nation;
- New ambulance vehicles and equipment ($1.4 million) – Rama, Armstrong, Kashechewan, Garden River, Moosonee, Whitefish Bay and Six Nations;
- New ambulance stations ($3 million) – Kashechewan, Garden River and Armstrong.

381. The Ontario government supports the provincial Akwe:go Urban Aboriginal Children's Program (ages 7-12) and Wasa-Nabin Urban Aboriginal Youth Program (ages 13-18), unique programs that address the mental health and wellness of Aboriginal children and youth in a culturally relevant, holistic manner. They provide at-risk Aboriginal children and youth with a strong foundation that will encourage them to make healthy choices.

382. Both Akwe:go and Wasa-Nabin services may be accessed through local Friendship Centres and are tailored to meet the individual needs of children, youth and families involved. The Wasa-Nabin program also supports the police and the courts in diverting Aboriginal youth in conflict with the law from the formal youth justice system to culturally relevant programs and services.

383. The government supports youth suicide prevention for members of the Nishnawbe Aski Nation located in Ontario's far north. The Youth Resiliency Program, also called Girl Power/Wolf Spirit Warrior, is a culture-based mentorship and mental wellness program for

9- to16-year-old children and youth. It features group/self-reflective activities related to personal strength, grief resolution, family/dating violence, choosing healthy relationships and forming peer mentorship support systems. The curriculum supports cultivation of traditional male roles based on the Anishinawbeg Grandfather Teachings that promote respectful relationships with others and responsibility for the health and well-being of the community.

384. Additional supports to Aboriginal children and families include:

- Aboriginal Child Protection Services, including six designated Aboriginal Children's Aid Societies;
- Child Well-being and Prevention Initiatives - Services on Reserve;
- Child care services for Aboriginal children;
- Aboriginal Alternatives to Custody Programs - providing culturally specific supports and activities that help youth make healthy choices. Supports include counselling services, addictions and substance abuse programming, healing circles and Elder support, recreational programming and mentoring;
- Aboriginal Foetal Alcohol Spectrum Disorder and Child Nutrition Program.

(e) Right to water and sanitation

(i) *Action plan on reducing lead in drinking water*

385. In June 2007, Ontario introduced its action plan on reducing lead in the province's drinking water. The plan included new requirements for Community Lead Testing Programs, corrosion control where lead is present, and flushing and sampling at schools and daycares to protect those most vulnerable to lead exposure. As part of the plan, the Water Filter Fund was established from June 2007 to March 2010 to provide low-income households with money to buy on-tap water filters.

(ii) *Clean Water Act and Source Protection Committees*

386. Since 2002, Ontario has created a comprehensive source-to-tap framework (the drinking water safety net) to protect public health. Ontario's multi-barrier approach incorporates a system of checks and balances that helps prevent contamination; detects and addresses water quality problems; enforces laws and regulations; and promotes the importance of safe, high-quality drinking water.

387. The most recent major initiative undertaken as part of the safety net is the source protection process carried out under the Clean Water Act. In 2009, Ontario's 19 source water protection committees submitted and obtained approval for their terms of reference which outlined the steps needed to prepare an assessment report and the source protection plan for Ontario's 38 source protection areas. These will enable the committees to develop a plan that includes policies to address current and potential threats that can harm drinking water.

388. Through the Ontario Drinking Water Stewardship Program, the province is providing funding to individuals, communities and organizations to take early action to protect their local municipal drinking water sources.

389. In June 2009, Ontario announced $70 million to upgrade the remaining primary sewage treatment plants regulated by the province.

Article 13: Right to education

Ontario's Equity and Inclusive Education Strategy

390. Ontario's core policy document, Reach Every Student: Energizing Ontario Education, is available at: intra.edu.gov.on.ca/dm/visionPaper2008.pdf.

391. To overcome systemic barriers, Ontario developed the Equity and Inclusive Education Strategy to promote inclusive education and provide a framework to help the education community identify and remove discriminatory bias and systemic barriers to student achievement. It is designed to uphold the fundamental human rights described in the Ontario Human Rights Code (the Code), the Canadian Charter of Rights and Freedoms, and other relevant legislation. All district school boards operate in accordance with the Code and they follow the provincial Code of Conduct in which respect for all is the overarching principle.

392. The Strategy recognizes that other related factors such as socio-economic status, race, sexual orientation and poverty may create bias and barriers to student achievement. The Ontario Human Rights Commission has worked collaboratively with the Ministry of Education to provide training on the Code, anti-racism, religious accommodation and the "duty to accommodate". All staff in Ontario schools has received training on the Strategy, the Code and anti-racism. A policy template and a template for religious accommodation have been developed and provided to all boards in Ontario free of charge.

393. School boards are required to undertake a cyclical review of all policies and practices to embed the principles of equity and inclusive education into all aspects of the board's operations, including implementing positive employment practices that support equitable hiring, mentoring, promotion and succession planning.

394. The province is actively partnering with various associations and organizations such as the Antiracist Multicultural Education Network of Ontario, the principals associations, the teachers federations, and parent groups to build capacity. School climate surveys for students, parents, and school staff have been revised and expanded to include questions on equity and inclusive education. Parent engagement has been assured through base funding for school councils and parent involvement committees as well as a specific grant program provided by Ontario.

395. Accountability mechanisms are in place – school boards are to report annually to the Ministry of Education and their local communities.

Québec

Article 2: Rights specifically subject to non-discrimination provisions

(a) Amendments to the Charter of Human Rights and Freedoms

396. In 2005, in compliance with international instruments, article 41 of the Charter of Human Rights and Freedoms (Quebec Charter) was replaced by the following: "Parents or the persons acting in their stead have a right to give their children a religious and moral education in keeping with their convictions and with proper regard for their children's rights and interests.". Previously, persons with parental authority had the right to require that their children receive this education in public educational establishments within the framework of the curricula provided for by law.

397. In 2006, the addition of article 46.1 granted every person the right to live in a healthful environment in which biodiversity is preserved, to the extent and according to the standards provided by law.

398. In 2008, article 50.1 was added to the Quebec Charter, an interpretive provision under which the rights and freedoms set forth in the Quebec Charter are guaranteed equally to women and men. The Charter's Preamble was also amended to recognize that equality of women and men is one of the foundations of justice, liberty and peace.

(b) Amendment to the Civil Code

399. On December 16, 2005, the National Assembly passed the Act to insert article 1974.1 in the Civil Code. This article permits the cancellation of a lease if, because of the violent behaviour of a spouse or former spouse or because of a sexual aggression, even by a third party, the safety of the lessee or of a child living with the lessee is threatened. The cancellation may take effect before the expiry of the prescribed period if the dwelling is re-leased or the parties agree otherwise.

Article 3: Equal rights of women and men

An Act to amend the Pay Equity Act and the results achieved

400. After five years of the Pay Equity Act being in force, half of the employers concerned had completed their pay equity exercises. As a result, practices for the evaluation and compensation of the targeted job categories were changed and the wage gaps affecting mainly women workers were corrected. One third of employers paid wage adjustments averaging 6.5 percent.

401. To ensure that the remaining employers perform the exercise, certain adjustments were made to the Act in May 2009. The amendments include: the time limit for conducting the pay equity exercise; requiring that a pay equity audit be made in cases where the initial exercise has already been completed; inclusion under the law of companies in which the number of employees grows to ten or more in a calendar year; and reporting. Employers subject to the Act that have not yet completed their pay equity exercise will have to do so by 2011. Those that have will have to conduct an evaluation.

Article 6: Right to work

(a) Employment support measures

402. In March 2008, the Government of Quebec implemented the Employment Pact, designed to align disadvantaged groups more closely with labour market needs. The Employment Pact aims for optimal use of all labour pools, particularly social assistance recipients, immigrants, disabled persons and youth.

403. The Employment Pact provides new employment support measures and enhances measures that have already proven effective:

- The Démarcheurs d'emploi program includes a financial incentive and support in the transition to work for new social assistance recipients and for those who go on and off social assistance repeatedly;
- The refundable tax credit for an on-the-job training period has been increased from 30 to 40 percent for employers who hire immigrants or persons with disabilities;
- The Employment Assistance Allowance paid to recipients of last-resort financial assistance programs and persons without public income support who participate in training activities with Government of Quebec assistance has been raised by 50 percent to encourage participation in job entry or training measures;
- An allowance is paid to the heads of single-parent families, recipients of last-resort financial assistance programs and persons without public income support who

participate in government-established training activities or in a measure creating entitlement to the Employment Assistance Allowance;

- The Employment Integration Program for Immigrants and Visible Minorities, designed to provide the opportunity to obtain initial work experience in Quebec, has been expanded with the goal of doubling the number of participants;
- As part of the implementation of the National Strategy for Labour Market Integration and Maintenance of Handicapped Persons, the budget was increased to enhance these integration efforts through Employment Integration Contracts and the Programme de subventions aux entreprises adaptées;
- Long-term recipients who return to work are eligible for a supplement to the work premium for a 12-month period;
- A work premium has been created for recipients who have a severely limited capacity for employment, particularly persons with disabilities
- An initiative, Découvrir, gives young people a chance to explore and discover a trade;
- Increased participation in the Alternative jeunesse program, which provides personalized coaching and access to various services and employment support measures, has meant enhanced delivery of services to persons under the age of 25 needing to acquire personal, social and vocational self-sufficiency.

404. To mitigate the effects of the recession on the newly unemployed or persons made more vulnerable by the economic crisis, in March 2009, the Government supplemented the Employment Pact with a component linked to the declining economic situation, the Employment Pact Plus. Bolstered by additional private and government funding of more than $1.5 billion over three years, the Employment Pact Plus provides the following:

- Employment assistance allowance for persons entitled to Employment Insurance (EI), paid by the Government of Canada, who have exhausted their benefits. Unemployed persons in this category who register for training activities supported by the Government of Quebec before March 31, 2011, will receive an employment assistance allowance equivalent to the exhausted EI benefits;
- Enhanced interventions with job seekers, workers and businesses to prevent layoffs, particularly by encouraging the use of slowdowns to engage employees in skills development;
- Measures targeting forestry workers have been renewed and extended to other industries: the Targeted Initiative for Older Workers is extended and the Income Support Program for Older Workers is broadened to cover all sectors of activity;
- The Income Support Programs for workers affected by collective dismissals in resource regions and for workers in the textile and clothing sectors have been merged and extended to all sectors and to all regions across Quebec.

(b) Results achieved by the different employment support measures

405. With the addition of the Employment Pact Plus, Quebec has new resources with which to reach a potential 855,000 job seekers between April 1, 2008 and March 31, 2011.

406. Between April 1, 2008 and December 31, 2009, the Government of Quebec addressed the needs of 604,152 unemployed persons with all available measures and services.

407. During this same period, 82,541 persons were served through job entry or training programs (including 10,600 persons with disabilities). This was an increase of 23,079 persons (including 1,173 persons with disabilities) compared to 2007-2008.

(c) Agreement on Internal Trade

408. In Quebec, the Act respecting the implementation of the Ninth Protocol of Amendment to the Agreement on Internal Trade came into force on November 3, 2009. Regulatory amendments are in progress for the professional orders and certain regulated trades.

(d) Quebec-Ontario Trade and Cooperation Agreement

409. The Quebec-Ontario Trade and Cooperation Agreement came into effect in October 2009. The provisions on labour mobility reflect the advances made under the Agreement on Internal Trade. Chapter 6 on mobility includes two lists of professions and trades benefitting from full labour mobility upon the signing of the Agreement.

410. In Quebec, the Act respecting the implementation of the Ninth Protocol of Amendment to the Agreement on Internal Trade, passed in November 2009, and the Professional Code ensure compliance with the commitments made in Chapter 6. Regulatory amendments are in progress and will ensure labour mobility between Quebec and Ontario for the targeted trades and professions.

Article 8: Trade union rights

(a) Unionization of migrant seasonal workers

411. In 2008, an application for union certification was filed by migrant seasonal farm workers. The application was challenged by the employer concerned, who invoked an exception to the right to certification under section 21(5) of the Labour Code, which states that persons employed in the operation of a farm shall not be deemed to be employees for the purposes of this division unless at least three such persons are ordinarily and continuously employed. This exception was ruled unconstitutional because it infringed on the freedom of association guaranteed by the Canadian Charter of Rights and Freedoms and the Quebec Charter of Human Rights and Freedoms. Consequently, certification was granted. This case is currently under judicial review.

(b) Representation of certain home child care providers and family-type resources

412. In October 2008, the Superior Court of Québec declared certain legislative provisions unconstitutional because the accepted principles of freedom of association and the right to collective bargaining were not respected. In response to the issues raised by this decision, in June 2009, the Quebec National Assembly passed two laws: the Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements, and amending various legislative provisions and the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements, and amending various legislative provisions.

Article 9: Right to social security

(a) Current trends in social assistance rates

413. The economic context is an important factor explaining the variation in the number of social assistance recipients. The global financial crisis that erupted in 2009 has caused

difficulties for many Canadian households, which have been obliged to resort to social assistance.

414. Quebec stands out positively, despite the difficult economic situation, in terms of recourse to social assistance programs. Between March 2008 and March 2009, the number of households receiving social assistance increased by only 0.1 percent, compared to much higher increases in other areas of the world. The adoption of the Employment Pact and the Employment Pact Plus helped mitigate the effects of the difficult economic situation.

(b) Results of the passage of the Act respecting parental insurance in 2001, instituting a maternity and paternal benefits plan

415. The Quebec Parental Insurance Plan (QPIP), established in January 2006 after the passage of the Act respecting parental insurance, has three main objectives:

- To ensure income replacement for working parents during the parental leave for the new child so as to maintain their financial security, help them meet the work/family challenge, and maintain employment ties;
- To foster the adaptation of the Quebec economy to present labour market conditions in order to lessen possible skill shortages and meet the expectations of younger generations of workers;
- To facilitate the adaptation of Quebec society to a context of an aging population by harmonizing social development and economic prosperity.

416. In 2009, the maximum insurable earnings were $62,000 and the minimum requirement for eligibility was insurable earnings of at least $2,000, regardless of the number of hours worked. Self-employed workers are eligible. Five weeks of benefits are reserved for fathers.

417. Since its inception, the QPIP has accepted a total of 464,548 claimants. It has paid over $5.5 billion in maternity, paternal, parental and adoption benefits. Claimants aged 20 to 34 constitute 78 percent of clients. At the end of 2009, the average benefit was $13,356.

Article 10: Protection of the family, mother and child

(a) New initiatives in child care

418. The 2008-2018 Perinatal Care Policy, the update in 2008 of the Quebec Public Health Program 2003-2012, the *Cadre de référence sur les Services intégrés en périnatalité et pour la petite enfance à l'intention des familles vivant en contexte de vulnérabilité* and various programs, particularly those targeting troubled youth, guide the Government of Quebec's actions in early childhood and perinatal care. The perinatal care policy, with its 2009-2012 implementation strategy, aims to provide pregnant women, new parents and their children from birth with one year of access to quality information and a continuum of preventive and medical services tailored to their needs.

419. Partnership initiatives have been established between the province and the philanthropic community, particularly the Early Childhood Development Fund (*Avenir d'enfants 2010-2020*), the Fund for the Promotion of a Healthy Lifestyle for youth aged 0-25 and their families (2007-2017), and an agreement designed to combat dropout rates.

420. The *Orientations relatives aux standards d'accès, de continuité, de qualité, d'efficacité et d'efficience pour le Programme-services Jeunes en difficulté 2007-2012* set out expectations for services delivered to troubled youth. As of 2005, annual investments have been made to improve psychosocial services intended for troubled youth.

421. After the launch of the Action Strategy for troubled youth and their families, youth intervention teams were introduced. The teams work to systematize a formal, structured partnership among the different providers of services for children and youth experiencing different types of problems.

422. Over the past five years, the practice of social paediatrics has been strengthened in different districts of Montreal by the development of two centres, *Assistance d'enfants en difficulté* and *Centre de services préventifs à l'enfance*. These projects target families living in situations of social exclusion. Between 2006 and 2010, nearly $750,000 was spent on social paediatrics.

(b) Foster families

423. It is estimated that approximately 75 percent of the families whose child is placed in foster care are low-income, and a majority are single-parent families. Overall, the average number of children placed in foster care decreased by 10 percent between 2005-2006 (8,715) and 2008-2009 (7,810). However, the average number of Aboriginal children living on reserve placed in foster care rose during this period from 164 to 229.

424. In June 2006, amendments were made to the Youth Protection Act (YPA) with the aim of reducing child placements in foster care. These amendments include:

- Clarification of the principle that decisions made must aim to keep a child in the family environment and, when the child is placed, guarantee continuity of care, stable relationships and stable living conditions;
- Determination of a maximum period of foster care, depending on the age of the child, and at the end of which, the obligation imposed on the tribunal to make a decision designed to provide the child with a long-term stable living environment, except in certain situations specified in the YPA;
- Introduction of special provisions on guardianship, including the opportunity for the child to maintain relationships with its parents, grandparents or other significant persons if these relationships are considered to be in the child's interest;
- Recognition in the law of the right of the child and its parents to receive adequate health and social services;
- The obligation imposed on the Minister of Health and Social Services (MHSS) to periodically submit to the National Assembly a study measuring the impacts of the YPA, and on the Commission des droits de la personne et des droits de la jeunesse to periodically report to the Government on the YPA's implementation.

(c) Measures taken to reduce placement for Aboriginal families

425. In 2007, First Nations and the governments of Canada and Quebec agreed that additional funding would be provided to all Quebec Aboriginal communities not covered by agreements to help them develop front-line social services. In August 2009, $59.8 million over five years was granted for the development of front-line social services for all Aboriginal communities not covered by the James Bay and Northern Quebec Agreement or the Northeastern Quebec Agreement.

426. A framework for a partnership between the governments of Canada and Quebec and First Nations was worked out to guide the development of front-line social services in all Quebec communities not covered by the agreements.

427. A consultative committee, the *Comité clinique de concertation pour les services à l'enfance et à la famille des Premières Nations du Québec*, with representatives of the First

Nations, the MSSS, the Quebec Association of Youth Centres and the federal Department of Indian and Northern Affairs, was established in 2007.

(d) Family violence

428. The 2008-2013 Action Plan on sexual aggression, elaborated after consultations with stakeholders from the public, para-public, community and research sectors directly concerned with this issue, was released in April 2008. Ten departments have undertaken to implement some 100 actions to address the problem of violence, help victims and ensure better supervision of offenders. The plan sets out a number of specific actions to reach Aboriginal communities and cultural communities more effectively.

Article 11: Right to an adequate standard of living

(a) Minimum wage

429. The minimum wage was $9.50 in May 2010. Minimum wage revisions in Quebec take place through a procedure approved by the Conseil des ministres [Cabinet] in May 2002, which includes a triennial review mechanism for wage adjustment. The calculation is based on the ratio between the minimum wage and the average industrial wage of hourly-paid workers (the goal being to maintain the minimum wage at 45 to 47 percent of the average hourly wage), as well as an analysis of the fluctuations of 13 other economic indicators, which are grouped into five areas of impact: poverty using the Market Basket Measure (MBM), purchasing power, business competitiveness, level of employment, and incentive to work.

(b) Implementation and impact of the Market Basket Measure

430. In an opinion on the indicators in use to measure poverty, inequalities and social exclusion, the Centre d'étude sur la pauvreté et l'exclusion sociale, created by the Act to combat poverty and social exclusion, recommended using the MBM as a reference to monitor poverty from the perspective of covering basic needs. It was also agreed that the MBM will be used in the next Action Plan for Solidarity and Social Inclusion.

431. According to the MBM, low-income rates have declined for various types of family units. Low-income rates for children and youth (under the age of 18) declined significantly, from 9.6 to 7.3 percent, between 2003 and 2007. There was also a significant decline for single mothers (from 41.6 percent in 2003 to 21.7 percent in 2007), although the rate remains higher than the rate for single fathers (14.1 percent in 2007).

(c) Combating poverty and social exclusion

432. The most recent report of the Action Plan to Combat Poverty and Social Exclusion, implemented in 2004, was released in 2009. Since 2003, the disposable income of recipients of last-resort financial assistance has increased due to the measures applied, as follows:

- $3,651, or 25 percent, for a single-parent family with one child;
- $6,715, or 34 percent, for a couple with two children.

433. The low-income rate, according to the MBM, has declined since 2003, from 9.9 to 8.5 percent.

434. The number of last-resort financial assistance recipients is also declining. Between March 2003 and March 2009, social assistance rates fell from 8.4 to 7.4 percent, a drop of 10.6 percent in the number of recipients (57,947 fewer recipients) and a drop of

18.2 percent in the number of children (over 25,000 fewer children) in last-resort financial assistance programs.

435. To build on this momentum, Quebec has extended the action plan by one year, for a total investment of $4.5 billion. It will hold a consultation with civil society before preparing the second action plan covering the period 2010-2015.

(d) Right to food

436. Food security is part of the Government's 2006-2012 Action Plan for the promotion of healthy lifestyle habits and the prevention of weight-related problems, "*Investir pour l'avenir*", and the Action Plan to Combat Poverty and Social Exclusion. Quebec provides $3.4 million annually, distributed among health and social services agencies, to support the initiatives of nearly 300 organizations: community gardens, nutritious snacks for children, seasonal markets in disadvantaged neighbourhoods, emergency food aid, etc. Another $200,000 in assistance has been divided between the collective kitchen network, Regroupement des cuisines collectives du Québec, and food banks for specific projects.

437. The Government has also developed a training course in health and hygiene for food security agencies. This training has been given to almost 800 organizations. Since 2004, Quebec has provided $675,000 annually in financial assistance to the Breakfast Club, which gives 14,000 children at 100 schools in disadvantaged areas an equal chance at success by providing them with a complete breakfast daily.

(e) Homelessness

438. The National Assembly's Social Affairs Committee has conducted a study on homelessness in Quebec. Public hearings were held from September 2008 to April 2009 in a number of centres across Quebec to gain an understanding of this issue. About 145 briefs were submitted and 105 groups/individuals were heard. For the Committee's November 2009 report, see www.dianova.ca/pub/200911-rapport-itinerance-CSSS.pdf.

439. In December 2009, the Government of Quebec released the 2010-2013 interdepartmental Action Plan on homelessness, which focuses on five priorities to guide actions at the provincial, regional and local levels: prevention; residential stability; improvement, adaptation and coordination of intervention; fostering of tolerant, safe cohabitation in public places; and research. The action plan supports the approach, introduced in 1997, of using sex-differentiated analyses to better meet the needs of men and women. For the services provided to the homeless, interventions are adjusted to meet the needs of women, particularly with regard to emergency housing services and social integration programs. An evaluation of the action plan's implementation will be conducted in 2013.

(f) Protection of temporary foreign workers

440. Unskilled temporary foreign workers in Quebec are subject to the same labour standards and rights as other workers, but given the obstacles they face in having these standards and rights respected (language, isolation, lack of knowledge about their rights, lack of availability, etc.), they are considered more vulnerable to abuse.

441. As these workers are increasingly used to meet Quebec's labour needs, an interdepartmental committee on the protection of the rights of unskilled temporary foreign workers was established in November 2008. It's goal is to identify problems and to implement solutions in order to ensure that these workers' rights are respected.

442. The committee's activities include the creation of a DVD for unskilled temporary foreign workers (UTFW) and their employers on their rights and responsibilities, in their

own language; development of tools on the management of UTFWs for employers; a campaign to raise awareness and to monitor the status of seasonal agricultural workers in the summer of 2009 and live-in caregivers in the summer of 2010; information and awareness sessions with the consular staff of the foreign workers' countries of origin; collaboration for a potential regulation of agencies recruiting UTFWs; improvement of the availability and accessibility of the data and management information required to understand the situation of these workers and their employers and provide follow-up.

Article 12: Right to physical and mental health

(a) Initiatives on health care for vulnerable groups

443. In June 2008, Quebec implemented a plan to assist persons with a disability (physical or intellectual disability, or pervasive developmental disorders) to access services. It seeks to ensure that clients have timely access to the various services and that services are optimized and harmonized.

444. The 2005-2010 Action Plan on mental health was implemented to develop accessible front-line mental health care. The plan provides measures to improve services for youth and adults with serious mental disorders and prioritizes persons at high risk of suicide.

(b) Right to safe drinking water

445. By enacting, in June 2009, the Act to affirm the collective nature of water resources and provide for increased water resource protection, the National Assembly chose to protect water resources. The Act guarantees every person's right to have access to safe drinking water, under the conditions and within the limits defined by the Act.

446. The Act also confirms the legal status of water as a collective resource and defines the common rights and responsibilities concerning its use and conservation. In addition, new powers are granted to the Government so it can fully play its role as custodian and manager of the resource.

Article 13: Right to education

(a) Educational needs of minorities

(i) *Study on school retention*

447. A study on school retention and success among first- and second-generation immigrant students, for groups of various origins, was initiated in 2008. One of the groups targeted by the study was the Black community, including students from Africa. The report's findings should be released by late 2010, but preliminary results suggest that students from Africa generally do quite well compared to other students.

448. The Government of Quebec has also prepared a teaching document, *L'apport des Noirs à la société québécoise*, which includes a teacher's guide and educational activities for students.

(ii) *Aboriginal People*

449. Quebec has passed a measure to foster academic success for Aboriginal students, notably by supporting the learning of French by Aboriginal students attending Quebec educational institutions. In 2009-2010, $1.8 million was allocated for this measure.

450. Another government measure involves raising awareness of Aboriginal realities in educational institutions and community organizations interested in developing school-related projects (field trips, seminars and conferences, student or community exchanges, awareness-raising activities, meetings with artists, cooperation between schools, etc.). As well, the Government of Quebec, in cooperation with the First Nations Education Council and First Nations Human Resources Development Commission of Quebec, contributes to developing Aboriginal awareness training for non-Aboriginal professionals, focussing on barriers faced by Aboriginal students when accessing vocational and technical training.

451. The Government has committed, through an annual contribution of $200,000, to establishing experimental Aboriginal college studies centres. Two collegiate institutions will offer these programs starting in the winter of 2011.

452. Aboriginal people also have a First Peoples Pavilion, associated with the Université du Québec en Abitibi-Témiscamingue, where university-level instruction is provided.

(b) Adult allophone immigrants

453. Quebec offers a French-as-a-second-language program, which adult education centres adapt to meet the educational and the social/vocational integration needs of immigrants.

454. The Government of Quebec's *Programme d'action communautaire* provides financial support to community agencies working in literacy and school retention support (combating school dropout and re-entry). Some of these agencies work specifically with people from ethnic minorities.

(c) Youth Action Strategy

455. The 2006-2009 Youth Action Strategy sets out various measures designed to support achievement among young Quebeckers. The strategy stems from a consultation held with 1,200 young people and 380 civil society groups. It aims to encourage the full participation of young people and their engagement in a path leading to personal success.

456. The 2006-2009 Youth Action Strategy, with $1 billion in funding, has five streams:

- Improving the health and well-being of young people;
- Fostering the educational success of young people;
- Fostering young people's entry into the workforce;
- Enhancing young people's participation in society;
- Improving support offered to young people.

457. The acquisition of healthy lifestyle habits and the fight against suicide are government priorities. To assist the transition to work for troubled youth, the Government has established a workplace support program for young people aged 16 to 24.

Article 15: Right to take part in cultural life and to benefit from scientific progress and the protection of authors' rights

Use and protection of Aboriginal languages

458. For those nations covered by agreements, Quebec provides continuous support for the development of learning materials in Aboriginal languages by providing the educational bodies of those Aboriginal nations that have signed an agreement (the Cree School Board, the Kativik School Board and the Naskapi School) with funding to develop the necessary

educational resources. It also provides these bodies with support for training their Aboriginal teaching staff.

459. For those nations that have not signed agreements with the Government of Quebec, the Government provides, under the *Programme visant l'intégration de la langue et de la culture innues*, professional support to the Institut Tshakapesh, an agency that provides a program for the integration of Innu language and culture.

460. The Government helps fund a homework help program delivered by the Native Friendship Centres Association of Quebec. This service, provided to Aboriginal students attending Quebec educational institutions, is given in their language and is sensitive to their culture.

New Brunswick

Article 3: Equal rights of women and men

461. New Brunswick's provincial wage gap decreased to 13.3 percent in 2009 from 14.1 percent in 2008.

462. As part of New Brunswick's Five-Year Wage Gap Action Plan, pay equity legislation for the public sector was introduced in May 2009. The Pay Equity Act, 2009 came into force on April 1, 2010. It requires that a non-discriminatory job evaluation system be applied and maintained through the collective bargaining process for employees in government departments, school districts and hospitals. The Act also applies to government agencies and corporations with more than ten employees. A Pay Equity Bureau is being established to oversee the implementation of the Act.

463. The province has committed the financial support necessary to extend pay equity processes and fund pay equity adjustments for private-sector employees in child care, home support, nursing homes, community residences and transition housing.

464. Launched in 2009, Equality at Work is a provincial designation program aimed at ensuring equality in the workplace through implementing wage gap reduction strategies. Currently, government is partnering with seven private-sector organizations to assess the program and to provide valuable feedback prior to a province-wide launch.

Article 9: Right to social security

465. The recession of 2008-2009 has limited the growth of New Brunswick government revenue over the near-term while, at the same time, increasing pressure on government social programs. The cost of delivering traditional front-line public services such as health care, senior care and support for lower income New Brunswickers will continue to grow. The government will try to find a balance between these demands and the need to manage overall public sector spending and implement expenditure restraint in other areas of government as it seeks a return to balanced budgets.

(a) Social assistance

466. Social assistance caseloads in the province increased year-over-year for the first time in almost 20 years: 22,727 cases in December 2008 to 22,997 cases in December 2009. Social assistance benefit rates increased 2 percent in October 2006, 3 percent in October 2007 and 3 percent in October 2008. A commitment to the redesign of rate structures and rate increases in the province's Poverty Reduction Strategy was announced in November 2009.

(b) Seniors' benefits

467. As of January 2007, the province will no longer consider the assets of seniors when determining the amount that a family must contribute to the cost of home care or care in a residential facility. The rate seniors pay for care in a nursing home was also capped.

(c) Disability benefits

468. New Brunswick has implemented the Disability Support Program, a pilot program in two regions that gives persons with a disability a greater role in developing their own case plans. The government is committed to extending the program to the rest of the province.

Article 10: Protection of the family, mother and child

469. Amendments to the Family Services Act introduced in January 2009 have made available new services that put emphasis on supporting families, including extended families, in caring for their children. Family Group Conferencing gives families a lead role in developing a case plan. Child protection cases have dropped from 3,040 in January 2009 to 2,860 in December 2009. The number of children presently under guardianship who are available for adoption has dropped from 700 to 640.

Family violence

470. In December 2009, New Brunswick established the Domestic Violence Death Review Committee, an advisory body to the Office of the Chief Coroner, which reviews the facts and circumstances related to the deaths of all persons in New Brunswick where domestic violence was involved. The committee held its first meeting in February 2010.

471. A second Attitudinal Survey on Violence against Women was held and its results were published in July 2009. New Brunswick's Aboriginal population, which was omitted from the first survey in 2002, was included in the 2009 exercise. The survey measured the public's concerns and attitudes relating to various forms of violence against women. The report may be found at: www.gnb.ca/0012/violence/PDF/AttitudinalSurvey-e.pdf.

472. In the fall of 2009, as part of a commitment to collect data and report on family violence, New Brunswick moved forward on the development of a broad collection of statistical information on intimate partner violence. Results are expected to be available in 2010.

473. In April 2009, the Centre de prévention de la violence familiale de Kent began offering victims of domestic violence in Kent County second stage housing and support services for up to one year at Oasis House (Maison Oasis).

474. An Aboriginal Police/Justice working group was established in August 2009 to look at training and protocols regarding violence against Aboriginal women. Its members include representatives from the Aboriginal community and officials from the departments of Policing Services, Justice, Victim Services, and Corrections.

475. The New Brunswick Aboriginal Women Leaders Dialogue Forum was held in September 2009 on violence against the province's Aboriginal women – engaging the First Nations' leadership on the next steps for the "Strategic Framework on Violence against Wabanaki Women" (www.gnb.ca/0012/Womens-Issues/wabanaki-e.pdf).

Article 11: Right to an adequate standard of living

(a) Minimum wage

476. As of April 1, 2010, New Brunswick's minimum wage was $8.50 per hour for the first 44 hours worked per week, up from $8.25 in September 2009. Further increases in $0.50 increments will continue until the wage reaches $10.00 per hour on September 1, 2011.

477. A Minimum Wage Board has been established under the authority of the Employment Standards Act. While the government is not bound by the recommendations of the Board, pursuant to subsection 10(1) of the Act, it cannot modify minimum wage regulations until the Board has considered and rendered its advice on the matter.

478. As required by subsection 10(3) of the Act, the Minimum Wage Board gave consideration to "any cost of living increase since any previous order or regulation, with respect to the cost of an employee of purchasing the necessities of life, including but not limited to housing, food, clothing, transportation and health care and supplies; as well as economic conditions within the province and the concept of a reasonable return on private investment", when making its recommendations.

(b) Poverty reduction

479. In October 2008, a public engagement initiative was launched to adopt a poverty reduction plan for New Brunswick. The initiative led to Overcoming Poverty Together: The New Brunswick Economic and Social Inclusion Plan whose objective is to reduce income poverty by 25 percent and deep income poverty by 50 percent, by 2015, and to make significant progress in achieving sustained economic and social inclusion. The plan will use the Market Basket Measure to measure progress on reducing poverty. A first progress report is available at: www.gnb.ca/0017/Promos/0001/pdf/progress1-e.pdf.

480. The lowest social assistance rate for single individuals who are employable was increased by 80 percent and health card benefits for those leaving social assistance for gainful employment were extended for up to three years.

Article 12: Right to physical and mental health

481. In February 2010, the government announced that it intended to introduce legislative amendments to the Medical Services Payment Act, which will remove the three-month waiting period for Medicare coverage for new arrivals to the province, with first-day coverage being granted immediately, upon proof of establishment in New Brunswick. The changes are anticipated to have a significant impact on many groups, such as repatriates, military personnel, immigrants and refugees, who will now have access to adequate healthcare upon arrival.

Article 13: Right to education

(a) French-as-a-second-language instruction

48. Serving Canada's only officially bilingual province, New Brunswick's education system offers students the opportunity to learn in both French and English through two parallel but separate education systems. Each linguistic sector of the Department of Education is responsible for its own curriculum and assessment. New Brunswick's public education system begins in kindergarten (the starting age for school is five years of age), followed by Grades 1 through 12. Attendance is mandatory until the age of 18 or graduation, whichever comes first.

483. In July 2007, the Department of Education established a commission to review French-as-a-Second-Language (FSL) programs in the province's English public schools. Its mandate was to consult widely and report by January 2008 with policy options on three fundamental questions:

1. How can we best structure FSL instruction to meet acceptable standards?

2. How can we ensure equal access to FSL instruction in all New Brunswick communities without jeopardizing every child's right to have a classroom conducive to learning?

3. How can we best use community-based learning and extra-curricular learning opportunities to expand ways for student to use and maintain their second language?

484. The commission submitted its report and recommendations in February 2008. Further consultations led to final recommendations being issued in August 2008. As a result, the following changes were made to the delivery of FSL[11] programs:

- English Prime with Intensive French: This program replaces the former core program and is available province-wide. All students enter the English Prime program in Kindergarten and continue with it until the end of Grade 2. Once in Grade 3, students either continue with the English Prime program or choose the French immersion program. One hundred percent of instruction is delivered in English for English Prime students in Grades K-3, with 30 minutes per week devoted to learning experiences to introduce students to French language and culture. The learning experiences are delivered by homeroom teachers. All French materials are available on audio to ensure students hear accurate pronunciation;

- In Grade 4, English Prime students follow Pre-Intensive French which consists of 90 hours of instructional time in French over the course of the year. In Grade 5, students receive a minimum of 345 hours of instruction in Intensive French over the course of the year. From Grades 6 to 8, English Prime students follow Post-Intensive French, with instructional time in French consisting of approximately 120 hours per year, decreasing to 90 hours per year in Grades 9-10;

- Grade 3 French Immersion: This program, available for the first time in September 2010, is offered where there is sufficient enrolment. Students will begin their French immersion program in Grade 3, replacing the previous early immersion program that began in Grade 1, and continue until Grade 10, as French is compulsory until the end of this grade. Many immersion students choose to continue their studies in French until the end of Grade 12;

- Grade 6 Immersion: Students who choose the English Prime program and who do not enter French immersion in Grade 3 can opt to choose the Late Immersion program in Grade 6. It too is offered where there is sufficient enrolment. The initial stages of both French Immersion programs (Grade 3 and Grade 6 entry points) are

[11] Prior to these changes, New Brunswick offered three FSL programs: Core French (compulsory for all students from Grade 1 to Grade 10, if not enrolled in French Immersion; it was offered in all schools for one period of instruction each school day and was characterized by instruction in the French language with a view to developing oral competence in that language); Early French Immersion (available if enrolment was sufficient, beginning in Grade 1); Late French Immersion (available if enrolment was sufficient, beginning in Grade 6). Both the early and late immersion programs were characterized by a concentration of instruction in French, with a gradual increase of instruction in English as the grades progressed.

characterized by a concentration of instruction in French which enables students to function in all curricular areas early in the programs. Later stages of the two French Immersion programs are characterized by the gradual increase of instruction in English. A school district must implement an immersion program (Grade 3 entry French Immersion or Grade 6 entry French Immersion, or both) if there is sufficient interest in order that immersion classes be of comparable size to other classes in the community at that level of instruction;

- Blended high school program: French Second-Language courses are open to all Grades 11 and 12 students (those in English Prime or either French immersion programs) who obtain a proficiency certification of Intermediate level or higher at the end of Grade 10. There is no program requirement in terms of time on task at these grade levels; however, it is recommended that immersion students dedicate 25 percent of their instructional time in Grades 11 and 12 to courses taught in French in order to improve their chances of meeting the target proficiency level. Schools must ensure that Grades 11 and 12 students receive at least 25 percent of their instructional time per semester in French Second Language courses.

(c) Cultural sensitivity

485. New Brunswick is committed to a system of inclusive education whereby every possible effort is made to meet the diverse learning needs of all students and to ensure each child reaches his or her full potential. The government strives to ensure that the curriculum in public schools is sensitive to all cultures, including African Canadian culture, and more specifically Aboriginal culture.

486. In When kids come first, the five-year (2007-2012) provincial education plan, Commitment #7: To Promote Cultural Identity and Linguistic Growth clearly identifies a commitment to preserve and promote the language and culture of each official linguistic community (anglophone and francophone) and to improve the educational outcomes of First Nations students in a setting that promotes their heritage, languages and culture.

Nova Scotia

Article 6: Right to work

(a) Pay equity

487. Two decisions from Nova Scotia Boards of Inquiry have confirmed the jurisdiction of the Nova Scotia Human Rights Commission to hear pay equity complaints. The Boards found that the absence of specific pay equity provisions in the Human Rights Act did not preclude the Commission from hearing issues of equal pay for work of equal value since these are essentially matters of sex discrimination, a prohibited ground under the Act: www.canlii.org/en/ns/nshrc/doc/2008/2008nshrc1/2008nshrc1.pdf and www.canlii.org/en/ns/nshrc/doc/2009/2009nshrc2/2009nshrc2.pdf.

(b) Employment equity and workplace diversity

488. As of March 31, 2008, 2.7 percent of the general population is of Aboriginal origin; 4.2 percent is comprised of African Nova Scotians and other racially visible persons, and 20 percent have disabilities. The 2008-2009 Report on Employment Equity and Diversity in the Nova Scotia public service shows that Aboriginal persons make up 2.3 percent of the broader Nova Scotia labour force and 0.8 percent of the public service. African Nova Scotians and other racially visible persons make up 3.7 percent of the broader labour force and 2.9 percent of the public service. Persons with disabilities form 11.5 percent of the

broader labour force but only 3.3 percent of the public service. Only 6.3 percent of management positions within the public service are filled by members of these three groups notwithstanding that collectively they make up almost 27 percent of Nova Scotia's population. This Report also indicates that women make up 52 percent of public service staff and 52.2 percent of management positions. The report may be found at: www.gov.ns.ca/psc/v2/pdf/employeeCentre/diverseWorkforce/annualReports/diversityReport 2008-09.pdf.

489. In 2009, the Nova Scotia Human Rights Commission partnered with a number of agencies, employers, communities, and other organizations to promote equity, inclusion and diversity in the workforce through a new Employment Equity Partnership project.

490. Labour force participation for women has risen from a third of the labour force in 1976 to approximately one-half by 2008. Women are more likely to work part-time, in low-waged jobs and to do the majority of unpaid work in the home. In 2008, 68 percent of the part-time workforce in the province was made up of women. In general, part-time employment does not provide benefits and presents few opportunities for promotion.

491. Working women in Nova Scotia tend to be concentrated in relatively few occupational categories. More than half (55 percent) of all employed women in Nova Scotia work in clerical/administrative or sales/service occupations.

492. A 2009 report from Service Canada indicates that 6 percent of all jobs in the province are paid at the minimum wage, with women occupying almost two-thirds of the positions. In 2007, 26 percent of salaried employees in Nova Scotia earned less than $10 per hour, 63 percent of whom (51,900) were women. Thirty-three percent of salaried female employees earned less than $10 per hour in 2007, compared to 19 percent of salaried male employees.

493. By 2005, Nova Scotian women employed full-time earned, on average, 72.6 cents for every dollar earned by men working full-time. In 2006, single women earned 91 percent of what single men were earning, with married women earning only 67 percent of their male counterparts' wages.

494. Single-parent mothers are less likely to be employed compared with married women (54 percent versus 70 percent in 2005). The labour force participation of immigrant women, women with disabilities and Aboriginal women on reserve is also low. For example, in 2006, 20 percent of Aboriginal women living on reserve were unemployed.

495. The Nova Scotia Advisory Council on the Status of Women released a study in 2009 entitled "Paid and Unpaid Work: Women in Nova Scotia", which may be found at: women.gov.ns.ca/pubs2008_09/PaidUnpaidWork2009.pdf.

Article 9: Right to social security

496. Since 2006, Nova Scotia has invested over $440 million in social programs (excluding schools, hospitals and long-term care facilities) for low-income Nova Scotians. This funding includes a $19 million increase to the income assistance program and two new programs to help low-income families: the Affordable Living Tax Credit, which provides low-income individuals and couples with a base amount of $240 and $57 per child each year, and the Poverty Reduction Credit, which provides $200 annually in quarterly payments to recipients.

497. The personal allowance rate of income assistance has increased in each of the past six years, for a total personal allowance rate increase of 18.8 percent. In addition, programs like the Family Pharmacare program (www.gov.ns.ca/health/pharmacare) and heating assistance program have been introduced to help low-income Nova Scotians, including seniors, persons with disabilities and those in receipt of income assistance.

Article 10: Protection of the family, mother and child

498. The National Child Benefit has enabled Nova Scotia to replace the children's personal allowance, included in the benefits given to welfare recipients, with the Nova Scotia Child Benefit (NSCB), a fairer, more equitable income-tested provincial child benefit that is available to all low-income families.

499. The result has been a significant reduction in the number of families with children dependent on income assistance and an extension of benefits outside of income assistance. In 2009-2010, the qualifying income threshold for the NSCB was raised to allow more families to qualify. Each year of the reporting period, the Government of Canada has increased both the benefit and the qualifying income for the Canadian Child Tax Benefit and the National Child Benefit.

500. In 2006, the government announced the $200 million, 10-year Early Learning and Child Care Plan to add more day care spaces, increase subsidized spaces, and provide ongoing support for Nova Scotia's child care sector. Between 2006 and 2009, the province created over 800 new subsidized licensed child care spaces (from 3,045 to 3,925) and increased the total number of regulated child care spaces from 13,249 to 14,485.

501. As of March 2009, there were 1,089 children residing in foster homes in Nova Scotia. Children from low-income families, single-mother-led families, Aboriginal and African Canadian families are overrepresented in foster care.

502. Early Intervention Programs deliver family-centred services to children with special needs, from birth to when they enter school. The goal of these programs is to create positive outcomes for children with special needs through consultation, information, support and services designed to meet the individual needs of the child and family. The Kids Come First program matches volunteers with children, youth and parents from across the Halifax Regional Municipality in a variety of roles intended to strengthen families and help parents in the care they give their children. More information on the program is found at: www.gov.ns.ca/coms/families/KidsComeFirst.html.

Domestic violence

503. In June 2008, the ministers of Justice and of Community Services created the Domestic Violence Prevention Committee to develop a domestic violence strategy for the province. The committee includes representatives from government departments and agencies, and community organizations. Nearly 100 recommendations were presented to the Deputy Ministers' Leadership Committee on Family Violence in June 2009.

504. A Coordinating Committee on Domestic Violence set up in autumn 2009 plans to present recommendations for the government's consideration in the fall of 2010.

505. In 2008, Nova Scotia adopted the province of Ontario's Domestic Assault Risk Assessment tool (ODARA) as the risk assessment tool to be used by all police services in Nova Scotia. Training was completed in 2009. In December 2009, a Phase 1: Evaluation Report on the implementation of ODARA training by Nova Scotia police services was completed. The report provided: background information on the rationale for adopting ODARA; the results associated with the initial stages of training (train-the-trainer); and a status report on the roll-out of training for police forces in Nova Scotia.

506. The Nova Scotia Family Violence Tracking Project is collecting information that will track specific outcomes in the timeframe referenced by this review. The information is expected to be available in fall 2010.

507. In 2008, the Department of Justice Criminal Injuries Counselling program enhanced services by making counselling available to children who have been exposed to family

violence. The sum of $2,000 is available, upon approval, for private counselling for each child exposed to family violence.

Article 11: Right to an adequate standard of living

(a) Minimum wage

508. The minimum wage currently stands at $9.20 per hour. By October 1, 2010, when the rate will increase to $9.95 per hour, a single person working full-time will no longer be a low-income earner based on Statistics Canada's Low Income Cut-Off (LICO) measure.

509. Since 2005, rates have increased by 35.7 percent, well above the rate of inflation. The Minimum Wage Review Committee, composed of an equal number of employee and employer representatives, and supported by government staff, has recommended that future annual increases in the minimum wage keep pace with the Consumer Price Index.

(b) Labour Standards Code

510. There have been several changes to the Labour Standards Code, including:

- In 2005, rules preventing employers from making unauthorized deductions from wages that are due to an employee were strengthened. Low-wage and part-time employees, who often work in retail, are particularly vulnerable to these kinds of deductions;
- In 2006, most retail workers gained the right to refuse to work on Sundays and statutory holidays;
- As of 2007, workers have the right to an unpaid meal break of 30 minutes after working five hours;
- In 2007, the definition of family member for the purpose of Compassionate Care Leave was broadened so that workers have the right to an eight-week leave to care for any gravely ill family member, or person who is in a family-like relationship;
- In 2008, Canadian Forces Reservists who are on a deployment gained the right to unpaid leave of up to 18 months from their civilian positions within a three-year period;
- In 2009, mandatory retirement was eliminated in Nova Scotia: employers may no longer terminate employees without notice for that reason;
- In 2009, a protected leave was introduced for those who have to be off work because of a declared public health or other emergency, affecting them or a family member.

(c) Measuring poverty

511. The province of Nova Scotia uses Market Basket Measure (MBM) data provided by Statistics Canada as a measure in its Poverty Reduction Strategy (described below). The province is also exploring the possibility of creating a provincial-level MBM, which may provide a more relevant measurement of poverty in the province.

512. Only the LICO measure is being reported with a regularity and reliability that allows for trending and provincial comparisons. It is also widely used in poverty research and analysis. For example, the Minimum Wage Review Committee uses the LICO instead of the MBM as an indicator in conducting its reviews.

513. Poverty rates (LICO after tax) for both the population as a whole and for children have declined in Nova Scotia. The overall poverty rate decreased from 8.9 percent (81,000) of the population in 2005 to 8.2 percent (74,000) in 2007. The number of children living in

poverty decreased from 10.4 percent in 2005 to 8.7 percent in 2007. In addition, the number of people in receipt of income assistance has steadily declined from a monthly average of 36,210 in 2000-2001 to 27,200 in 2008-2009.

514. If poverty is measured using after-tax LICO, 74,000 Nova Scotians are living in poverty. If the measure used is the Low Income Measure[12], 141,000 Nova Scotians can be considered to be living in poverty. Depending on the measure used, poverty affects 8.2 percent or 15 percent of Nova Scotia's population.

(d) Poverty reduction measures

515. The province's Poverty Reduction Strategy was released in April 2009. Its vision for 2020 is to break the cycle of poverty by creating opportunities for all Nova Scotians to participate in the prosperity of the province and enjoy a better standard of living. The four main goals of the strategy are: to enable and reward work; improve support for those in need; focus on children; and collaborate and coordinate.

516. Specific commitments by the province as part of the Strategy include:

- Working collaboratively to ensure that funding for the Labour Market Development Agreement and the Labour Market Agreement addresses poverty issues and helps clients to reconnect with the workforce;
- Increasing Nova Scotia Child Benefits thresholds and the Income Assistance Personal Allowance rate;
- Introducing a Poverty Reduction Credit to help some 15,000 single Nova Scotians living in chronic poverty and who are unable to work due to disability or significant barriers. The credit will not impact existing income assistance benefits or any other tax credits such as the federal-provincial sales tax;
- Introducing the Affordable Living Tax Credit for individuals and families whose income is less than $30,000, to help offset the increase in the provincial portion of sales taxes. This credit will transfer $53 million to more than 225,000 households;
- Removing the provincial portion of sales taxes on children's clothing, footwear and diapers;
- Exempting seniors who receive the Guaranteed Income Supplement from paying provincial income tax. This means about $12.5 million will be returned to some 18,000 low-income seniors across the province;
- Investing $2.5 million to help low-income homeowners improve home energy efficiency;
- Moving forward with the Housing Stimulus, investment in skills and training programs and investment in subsidized child care spaces.

(e) Homelessness

517. The governments of Canada and Nova Scotia provide funding to several organizations to help the homeless population into housing. Nova Scotia is investing more than $14 million in affordable housing in Halifax: $11 million to repair and renovate social

[12] Unlike the low income cut-offs (LICO), the Low Income Measure is not based on the proportion of income spent on food, clothing and shelter, but is based directly on income. The measure is based on one-half of median gross income, where median income is first adjusted for family size and composition.

housing and an additional $3 million to build a 21-unit building in Spryfield for low-income seniors and persons with disabilities. Increasing the availability of shelters, mental health services and affordable housing remain as continuing challenges.

518. The province is investing $8.6 million in new community living units to help Nova Scotians recovering from mental illness make the transition from inpatient care to independent living. Four community-focused living units, consisting of 10 bedrooms and associated living space, will be built on the Nova Scotia Hospital property.

519. Nova Scotia also provides funding to Phoenix House, a non-profit organization that offers at-risk and homeless girls and boys, aged 12 to 24, help in breaking the cycle of homelessness and finding a path from the street.

Article 12: Right to physical and mental health

520. Since December 2006, the province has invested $200,000 annually for the adoption of Cultural Competence Guidelines, which include tools and resources to assist primary health care professionals in providing culturally sensitive health care. A portion of this on-going funding has been allocated to support province-wide initiatives related to screening populations who are disproportionately affected by ill health and have faced historical barriers and inequities pertaining to race, ethnicity, language, culture and social status. The guide may be found at: www.healthteamnovascotia.ca/cultural_competence/Cultural_Competence_guide_for_Primary_Health_Care_Professionals.pdf.

521. A new Family Pharmacare Program was introduced in November 2007. The program has no premiums or fees and has a cap on annual out-of-pocket costs for eligible drugs. The cap is set as a percentage of family income.

522. In June 2008, respite care available to long-term caregivers was increased from 28 to 60 days per year. Respite care consists in temporarily placing an individual in a long-term care facility, like a nursing home or residential care facility, for a scheduled amount of time, to provide a caregiver with a planned and temporary break from caregiving responsibilities. The break is usually scheduled, but emergency situations where the family caregiver is suddenly and temporarily unavailable may also be accommodated.

(a) Persons with disabilities

523. In December 2007, the province announced increased funding for medically approved double cochlear implants for persons with profound hearing loss in both ears.

524. A Self-Managed Care program was implemented in December 2005. This program helps those with physical disabilities increase control over their lives by providing them with the funds to directly employ care providers who meet their approved service needs.

(b) Aboriginal health

525. In 2008, the province began the development of a Nova Scotia Mi'kmaq Health Policy Framework. It also allocated funding to support the implementation of a Mi'kmaq Cultural Safety project as part of the Aboriginal Health Transition Fund

(c) Women

526. In November 2006, the Midwifery Act was passed allowing the practice and regulation of midwifery and the inclusion of midwives in primary maternity health care teams.

527. In July 2006, fourteen specially trained registered nurses were hired to provide immediate on-call emergency care for victims of sexual assault at three sites in Antigonish and Richmond counties.

Article 13: Right to education

528. In 2008, the Department of Education commissioned a review of the effectiveness of the programs and services implemented as a result of the recommendations of the Black Learners Advisory Committee Report: Redressing Inequity - Empowering Black Learners. The review's subsequent report "*Reality Check: A Review of key program areas in the BLAC Report for their effectiveness in enhancing the educational opportunities and achievement of African Nova Scotian learners*" is available at: acs.ednet.ns.ca/sites/default/files/REALITY_CHECK_FINAL_REPORT_FOR_WEB.pdf.

Prince Edward Island

General

Aboriginal people

529. The Tripartite Partnership Accord signed in December 2007 between the government of Canada, the provincial government and the Mi'kmaq of Prince Edward Island (PEI), as represented by the Chief of the Lennox Island First Nation and the Chief of the Abegweit First Nation, sets forth a course for the provision of quality services for the Island's First Nations people in the areas of education, social services, economic development, justice and health.

Article 2: Rights specifically subject to non-discrimination provisions

530. In the spring of 2008, four subsections of the Prince Edward Island Human Rights Act, which set compensation limits on political belief discrimination complaints filed by casual employees in the civil service before June 1, 1999, were repealed. These subsections had been found to be in contravention of the Canadian Charter of Rights and Freedoms by the Supreme Court of Prince Edward Island in a 2006 decision.

531. In 2009, the Domestic Relations Act amended the Family Law Act and all other applicable provincial legislation to redefine "spouse" to include same sex relationships.

Article 6: Right to work

532. In October 2009, administration of the Canada-Prince Edward Island Labour Market Agreement and the Labour Market Development Agreement devolved to the province. In 2010, funding of $35 million will be provided to support over 4,000 Islanders to gain access to employment and build their skills.

533. Amendments to the Employment Standards Act passed in December 2009, but not yet proclaimed, will improve working conditions and wages for non-unionized workers, including additional leave entitlements and enhanced pay protections. The amendments also include the following provision: "An employer shall give each employee notice of any reduction in the employee's regular rate of wages at least one pay period before the start of reduction is to take place".

534. The Trade HERizons employment project is designed to assist women, especially low-income and vulnerable women, with employment in non-traditional roles. One class has graduated and data is being collected, but it is too soon to determine the impact.

Persons with disabilities

535. In April 2004, Prince Edward Island entered into the Canada-PEI Labour Market Agreement for Persons with Disabilities (LMAPD). Under this agreement the Government of Canada agreed to share up to 50 percent of the cost of programs and services, meeting the objective of the agreement, up to a maximum of $1.3 million per fiscal year. Some 271 out of 1,190 participants in the Disability Support Program accessed the employment vocational component between 2005 and 2009.

536. In addition to LMAPD programs, Prince Edward Island also provides funding to non-governmental organizations for their programs and services for persons with disabilities. In 2009, $2.5 million in such funding was provided for programs and services to assist Islanders with physical and intellectual disabilities, including employment programs for 239 vulnerable persons.

Article 7: Right to just and favourable working conditions

537. A new Occupational Health and Safety Act, which replaced the previous Act, came into effect in May 2004 and has provided increased health and safety protections to all workers during the current reporting period. In the spring of 2006, the Act was amended to increase, from $50,000 to $250,000, the fine for a violation of the Act or its regulations or an order given by the Director of Occupational Health and Safety.

Employment equity and workplace diversity

538. PEI is the province with the lowest wage gap in the country. Women working full-year, full-time averaged $34,553 or 81.8 percent of men's average annual income of $42,225.

539. In June 2009, the PEI Advisory Council on the Status of Women released its 2009 Equality Report Card. The report card, which assesses the province's action on more than 20 women's equality goals in seven categories, noted increased employment equity, especially for women in leadership roles, within the provincial civil service:

- Women make up over 70 percent of departmental staff and almost 53 percent of management within the PEI civil service. Most are employed in full-time, permanent positions;
- Departments that seem to be most responsive to gender issues tend to be those with a strong balance between the number of women working in the department and the number of women managers – not necessarily just those with the highest percentage of women employees.

Article 9: Right to social security

540. Social assistance caseloads peaked in 2005-2006, decreased to 3,431 in the following two fiscal years, and increased in the most recent two fiscal years, to 3,566. Over the reporting period, the level of assistance has increased since 2005 as follows:

- The Healthy Child Allowance has increased from $59 to $107 per month;
- Community Care per diem rates increased from $45 to $61.80;
- Shelter rates increased by an average of 16 percent; and
- The food allowance has increased by 10 percent.

(a) Persons with disabilities

541. Guided by the recommendations of the February 2009 Disability Services Review Final Report, housing supports for persons with disabilities have been enhanced. In January 2010, PEI contributed $75,000 and $30,000 through its Affordable Housing Trust and Community Development Fund, respectively, in addition to an in-kind land transfer valued at $150,000 for the Supported Transitional Apartment and Community Complex. The newly-constructed facility includes three supported-living units and a common area that will be the base for a life skills training centre.

542. The Disability Action Council was established in November 2009 to work with government to increase social awareness and inclusion of persons with disabilities and to work towards implementation of the recommendations from the Disability Services Review Final Report.

(b) Seniors' benefits

543. The PEI Senior Citizens' Federation is a provincial non-governmental organization that provides a network of information and communication to help safeguard and improve the quality of life for Island seniors. Provincial government grant funding of $78,800 supports staffing, promotion of the "55 Alive" Driving courses, publishing the "Voice for Island Seniors", and the Peer Helping Program, designed to reduce social isolation.

544. The Seniors' Drug Cost Assistance Program is for people who are 65 or older and are eligible for PEI Medicare. All Island seniors who are eligible for Medicare, which covers approved medications that are prescribed by a doctor, are automatically registered in this program when they turn 65. The website may be found at: www.gov.pe.ca/photos/original/Seniors_Guide09.pdf.

545. In October 2007, the province reinstated the Seniors' Home Repair Program, which has since provided $1.2 million to assist over 900 seniors with repairs to their homes.

Article 10: Protection of the family, mother and child

(a) Maternity and parental leave

546. In December 2009, the Employment Standards Act was amended to expand access to maternity, parental and adoption leave if the employee has been employed by that employer for at least 20 weeks of the 52 weeks immediately preceding the leave application. In addition, where the child of the employee has a physical, psychological or emotional condition requiring an additional period of parental care, the employee may apply for an extension of the leave of absence without pay of up to five consecutive weeks. Amendments have yet to be proclaimed as of the reporting period.

547. Effective July 2008, maternity/adoption leave top-up benefits were increased from 75 percent to 80 percent for provincial public service employees.

(b) Early childhood education

548. PEI will offer a full-day, school-based kindergarten program in 2010. A Kindergarten Transition Team is now working to transition the program from the community to the school system. Over 1,300 students have registered at Island schools for Kindergarten in September 2010. Up to $10 million is being invested into kindergarten, including $7.3 million for teachers, specialist teachers, educational assistants, bus drivers and other personnel. Over $1.4 million is being invested in start-up costs, including equipment, furniture and classroom renovations to support play-based learning, as well as assistive devices for children with special needs, and communication technologies.

549. The provincial government has announced a Preschool Excellence Initiative designed to revitalize the early childhood system to ensure access to high-quality early learning programs for children from birth to age four in local communities across the province. To implement this initiative, the province is increasing annual funding to the early childhood sector by 63 percent, from $5.35 to $8.7 million.

(c) National Child Benefit

550. Total provincial National Child Benefit (NCB) investments in PEI for 2006-2007 were estimated at $3.7 million. Re-investments include Early Childhood and Children-at-Risk services, as well as an increase in the Healthy Child Allowance of $1.9 million for 2006-2007, up from $1.5 million in 2004-2005. Reinvestment dollars from the NCB have been targeted to assist families with the costs of regulated child care, to support healthy child development and facilitate the labour market participation of parents.

551. The PEI Family Health Benefits Program was also launched with NCB funds, to provide all families whose annual incomes are within an established range with basic coverage for prescription drugs. The household income thresholds were increased in November 2007 by $2,800 for a family with one child and by an additional $1,000 for each additional child. The thresholds are now $24,800 for a family with one child, increased by increments of $3,000 for each additional child. The admitting criteria were also amended in November 2007 to cover families with at least one child who is a full-time student under the age of 25.

(d) Aboriginal child protection services

552. Aboriginal Bands and the governments of Canada and PEI recognized the uniqueness of Aboriginal life in the province and collaborated on the Mi'kmaq Family PRIDE (Prevention, Respect, Intervention, Development and Education) Program. This program has been designed to provide a holistic and culturally sensitive approach to individual, family and community wellness and risk reduction through prevention and support for children and families living on-reserve. The program also provides liaison services between provincial child protection services and the Lennox Island and Abegweit First Nations and supports a designated Band representative to represent the Band's interest in child protection matters. Recent amendments to the Child Protection Act specifically require notification of the Band designate for all Aboriginal children at each phase of the child protection process.

(e) Family Violence

553. In 2009, the Premier's Action Committee on Family Violence Prevention was renewed for five years and working groups were initiated to address parent education, youth education, social marketing, and civil/criminal issues. The Committee is now focused on implementing prevention strategies from the perspective of the Ecological Model presented in the 2002 World Health Organization World Report on Violence and Health.

Article 11: Right to an adequate standard of living

(a) Minimum wage

554. The minimum wage on PEI will increase in two phases in 2010 to $9.00, as follows: from $8.40 to $8.70 effective June 2010, and by an additional 30 cents to $9.00 in October 2010. The government will implement the wage increase in two stages so that employers have time to incorporate increases into their operational plans and budgets.

555. Following receipt of a report in the spring of 2010 from a government standing committee that held public hearings into the matter, the government has decided not to proclaim legislation involving the introduction of a two-tiered minimum wage.

(b) Poverty reduction

556. The incidence of low income in PEI according to the Market Basket Measure has declined from 13.6 percent in 2003 to 10.3 percent in 2007. The most dramatic declines in poverty rates over the past 30 years occurred in the provinces of PEI and Newfoundland and Labrador, according to the National Council of Welfare.

(c) Homelessness

557. The increase in the age of protection from 16 to 18 resulting from amendments to the Child Protection Act, effective June 1, 2010, will help to prevent homelessness among young people. The Community Advisory Committee, which administers the province's Homelessness Partnering Strategy, recently released its first Homelessness Report Card, which may be found at: fvps.ca/sites/default/files/images/Report_Card.pdf.

(d) Housing

558. Across PEI, nine Family Housing Boards maintain and operate 476 housing units serving low-income families. Additional funding of $300,000 will be provided to the Housing Boards in 2010-2011 to maintain these units in good condition. The Family Housing Boards also maintain and operate 1,152 seniors housing units across the province. In the fiscal years 2006-2007 through 2009-2010, PEI spent $2.8 million on modernization improvements to units across the province.

559. New affordable housing was constructed in Charlottetown in the summer of 2009 for low-income Aboriginal seniors, first-time Aboriginal homeowners and First Nations people who require temporary transitional housing. The investment is made possible through the Off-Reserve Affordable Housing Trust, a one-time federal grant of $704,500. As part of the project, the Native Council of PEI will build an eight-unit complex in the Charlottetown area so that low-income Aboriginal seniors can live independently.

Article 12: Right to physical and mental health

560. The Strength Program, introduced by the provincial government in 2007, is part of the PEI Youth Substance Use and Addiction Strategy, which addresses five key areas: prevention, education, early intervention, counselling and aftercare. Each Strength Program runs for eight weeks, treating a maximum of 10 youth, ranging in age from 13-to 18-year-olds (recently expanded to include young adults aged 18-24). The program also includes supervised housing for patients who require it. The Youth Addictions Day Treatment Program began operations in January 2010.

561. In 2009, the provincial government increased funding for the home care drug program by $2.2 million and introduced a pilot palliative home care drug program. Spending on drugs will increase by $1.3 million for the 2010-2011 fiscal year. This increase will be used to add new medications to the formulary, and to implement a 25 percent reduction in seniors co-pay, effective September 1, 2010. A forecast $1.2 million will fund new medications, as savings result from availability and use of new generic drugs. Since 2007, the government has increased spending on drugs by 45 percent, to a total of $34.4 million in the 2010-2011 fiscal year.

562. In the fall of 2007, PEI elementary schools offered to immunize Grade 6 girls against the Human Papilloma Virus. The vaccine was administered at no cost, on a voluntary basis, to all Grade 6 girls (11 to 12-year-olds) who had obtained parental consent.

(a) Aboriginal people

563. The province of PEI has worked closely with First Nations communities and organizations, off-reserve groups, and health care organizations to develop an Aboriginal Health Transition Fund Adaptation Plan. The Adaptation Plan includes four components: building knowledge and relationships; maintaining a holistic, family-centered approach to diabetes; meeting the needs of Aboriginal youth in Provincial Youth Addiction Planning; and addressing barriers to mental health services.

(b) Seniors' health

564. PEI's Healthy Aging Strategy (February 2009) outlines the future of long-term and continuing care in PEI. The Strategy will help to correct the imbalance between community-based care and family-based care, and support Island seniors who wish to remain independent in their homes as long as possible. The Strategy has five pillars:

- Manor Replacement – $51 million has been committed over five years to replace a number of publicly-owned manors, identifying five facilities as priorities;
- Palliative Home Drug Pilot Project – At-home care for patients in their final days also improves system flow at a decreased net cost to the health care system;
- Enhanced Home Care – PEI injected $1.5 million into the Home Care budget for 2009-2010 to address the fact that it has the lowest per capita investment in home care in Canada;
- Expanded and Improved Long-Term Care – Plans are to create permanent licenses for 44 temporary beds throughout the province and 15 additional long-term care beds at the Community Hospital in O'Leary;
- Transitional Care – The province has opened a 10-bed transition unit at the Queen Elizabeth Hospital for discharged patients awaiting alternate levels of care.

565. In 2009, the provincial government increased funding for the home care drug program by $2.2 million. Spending on drugs will increase by $1.3 million for the 2010-2011 fiscal year: new medications will be added to the formulary, and a 25 percent reduction will be implemented in seniors co-pay.

(c) Right to food

566. The PEI Healthy Eating Alliance has produced numerous documents and studies related to public health and food security in the province, including the Prince Edward Island Healthy Eating Strategy, 2007-2010. The goals set out in this document include: increasing nutrition education, promoting healthy eating, increasing access to safe and healthy foods, developing and implementing healthy eating policies to improve nutritional health of children and partnering on research initiatives. The province also provided $200,000 to the Alliance to develop and implement school nutrition policies.

567. One of the objectives of the PEI Healthy Eating Strategy is to decrease the number of Island children who experience food insecurity. More information on the Strategy may be found at: www.healthyeatingpei.ca/pdf/Strategy_HEA_2007-2010.pdf.

(d) Right to water

568. In February 2009, the PEI government signed on to a national agreement to set standards for municipal wastewater effluent, and worked with provincial, territorial and federal partners to bring in extended producer responsibility for products and packaging. Funding for community watershed groups was almost quadrupled from $120,000 in 2006 to $750,000 in 2010.

569. In January 2010, a partnership was signed between the provincial government and the recently organized Watersned Alliance to strengthen the protection of water quality and aquatic habitat on PEI. A strategy was developed to outline a clear plan for the support of watershed groups and lay out measurable targets for improving environmental health and the health of water resources.

Newfoundland and Labrador

General

570. For the 2008-2009 fiscal period, the province experienced budgetary surpluses and increased funding was provided to provincial social programs. The provincial government did announce a budgetary deficit for the 2009-2010 fiscal year, but funding for social programs was not affected.

Article 2: Rights specifically subject to non-discrimination provisions

571. In June 2010, the province introduced the Human Rights Act, 2010, which, among other matters, confirmed that "family status", defined as being in a parent and child relationship, and "source of income", defined as being in receipt of income and employment support under the province's Income and Employment Support Act, are prohibited grounds of discrimination in all areas covered by the Act, including the provision of goods and services, eligibility for accommodations and facilities and with respect to employment.

Article 6: Right to work

572. In 2008 and 2009, the provincial government completed arrangements with the Government of Canada for the transfer to the province of responsibility and funding for labour market programs and services under the Labour Market Development Agreement and Labour Market Agreement arrangements. These arrangements provide the province with enhanced funding and flexibility to target labour market programs and services toward the needs of particular groups who require enhanced training and job skills, notably the disabled and, for some sectors, female workers. The targeted training appears to have led to an increase in the number of female workers in the technical and skilled trades areas of employment.

573. The JOBSinNL.ca website continues to attract much attention and interest from persons both within and outside the province seeking employment opportunities. The site allows employers to file job postings for free. Potential immigrants to the province access it as one of the first sources of information regarding potential employment opportunities.

Article 9: Right to social security

574. While there has been an increase in assistance rates provided to eligible applicants under the province's Income and Employment Support Regulations over the past decade, there has been a decrease in the income support caseload over the period. Income support cases have decreased from 36,700 in 2003 to 31,323 in 2008, while from 2006 to 2009 basic individual and family benefits increased by a cumulative average of 11.6 percent.

Family-related benefits

575. In 2008, the provincial government introduced the Progressive Family Growth Benefit Program, which provided a $1,000 lump sum payment to provincial residents who gave birth to a baby or had a child placed with them for adoption as of January 1, 2008. A Parental Support Benefit of $100 per month was also available for the 12 months after

the child's birth or the 12 months the adopted child was placed in the home. Families could receive a maximum combined benefit of $2,200 per eligible child. These are non-taxable benefits and a person's or family's income level or source was not a factor in determining eligibility.

576. The Canada Child Tax Benefit (CCTB) and the Newfoundland and Labrador Child Benefit (NLCB) have provided tax benefits to low-income families with dependent children under 18 years of age. Families with a net income that does not exceed $22,630 are eligible for the CCTB/NLCB program. Families with an income of less than $17,397 receive the maximum benefit, while families with incomes between $17,397 and the upper threshold receive a reduced benefit. There have been no recent changes in the taxation program.

Article 10: Protection of the family, mother and child

(a) Child care

577. The provincial government continues to build and strengthen programs and services respecting child development. In May 2006, the province unveiled an Early Learning and Child Care Plan (ELCC) as part of a commitment to ensure high-quality, affordable and accessible child care. As a result of ELCC investments, the number of regulated child care spaces in the province increased by 36 percent from 2006 to 2009. The eligibility threshold for the full amount of ELCC subsidy increased from a net income of $20,280 to $27,500 for a single-parent family and to $27,840 for a two-parent family. In 2009, an annual investment of $1.3 million was made to enhance the Child Care Subsidy Program to make quality child care for low-income families more affordable. The number of children from low-income families accessing subsidized child care has increased 53 percent, from 1,373 in March 2006 to more than 2,100 in March 2009.

578. The province has introduced a number of other child care benefits, one of which is the Mother Baby Nutrition Supplement, a monthly financial benefit for low-income pregnant women and for families with children under 12 months old. The Supplement of $60 per month, with a one-time payment of $90 during the month of the child's birth, is intended to help with the cost of nutritious food during and after pregnancy. On average, 1,200 families received the Supplement per month in 2008-2009.

(b) Family violence

579. In 2006, the province initiated a six-year government-community Violence Prevention Initiative to find long-term solutions to the problems of violence against those most at risk in society, in particular women, children, youth, older persons, persons with disabilities and Aboriginal women and children. A minimum of $1.25 million is invested annually to increase government and community capacity to achieve a long-term reduction in violence.

580. The Women's Policy Office of the Executive Council, the lead department in managing the Initiative, reports that there has been increased awareness and a change in attitude toward family violence and violence against women. In June 2009, a successful Respect Women public awareness campaign was launched, using television and print advertisements, bookmarks, posters and a dedicated website. An October 2009 post-evaluation survey revealed that a significant number of respondents had been aware of the campaign and identified the family as the relationship in which acts of violence are most likely to occur. The evaluation demonstrated an increase in the public's knowledge of services and resources available to victims of violence.

581. In December 2005, the province enacted the Family Violence Prevention Act, which increases the speed and efficiency at which emergency protection orders (EPO) may be

obtained to protect persons, primarily female, in family violence situations. From July 1, 2006 to December 31, 2009, 500 EPO applications were filed with the provincial court, 84 percent of which were granted. Up to 94 percent of the EPO applicants were female with an age range of 16 to 88 years; 55 percent of the applicants indicated that they had children with the respondent. The act may be accessed at: www.assembly.nl.ca/legislation/sr/statutes/f03-1.htm.

Article 11: Right to an adequate standard of living

(a) Poverty reduction

582. The provincial Poverty Reduction Strategy had its inception in 2006 and now invests in excess of $100,000,000 annually in over 80 initiatives with the goal of preventing, reducing and alleviating poverty. Available evidence to 2009 indicates that the Strategy has been successful in lowering the incidence, depth and persistence of poverty. In accordance with Statistics Canada's Low Income Cut-Offs (LICO), the commonly-used measure of low income, the incidence of low-income status in this province decreased from 12.2 percent (63,000 persons) in 2003 to 6.5 percent (33,000 persons) in 2007. The persistence of poverty for the provincial population that fell below LICO decreased from 3 percent in 2003 to below 2 percent in 2008.

583. Income support caseloads of the Department of Human Resources, Labour and Employment decreased from 36,700 in 2003 to 31,323 in 2008, while from 2006 to 2009 basic individual and family benefits provided under provincial social support programs have increased by a cumulative average of 11.6 percent. It is estimated that over 4,000 former income support clients found employment between 2006 and 2008.

584. Released in 2007, the Northern Strategic Plan funded 188 commitments with a total investment of $430 million to support social and economic development within Labrador, as of 2009. The Plan includes many initiatives to benefit Aboriginal communities in Labrador, one of which is a project worth $8 million over five years that provides an electricity rebate to homeowners who use diesel-generated power in rural, isolated communities along the Labrador coast.

585. The provincial government expanded its Cost of Living Allowance for Income Support clients living on the coast of Labrador. Previously, the Allowance had been provided only to families with dependent children. The restriction based upon dependent children was removed to respond to concerns raised by older adults and families who would lose the benefit when their youngest child reached 18 years of age.

586. In 2008-2009, funding was increased for the Air Food-lift Subsidy program which now provides to the more isolated communities of coastal Labrador a full air freight subsidy on fresh milk, fruit, vegetables, bread and dairy products.

(b) Minimum wage

587. The minimum wage in Newfoundland and Labrador has been increasing in 50-cent increments since July 2008 and, as of July 2010, has reached $10.00 an hour. The increase is one of the basic principles of the province's Poverty Reduction Strategy, which seeks to ensure that all workers receive a decent living wage from employment.

(c) Social housing

588. Many income support clients, particularly those with disabilities or large families, have difficulty finding accommodations given the higher rental rates in urban areas. Between April 2006 and March 2009, 204 new affordable housing units were constructed with funding assistance from the Federal-Provincial Affordable Housing Agreement,

Phases I and II, and the Housing Trust Funds. The province continues to invest in rent supplement programs and the construction of suitable housing for low-income clients.

589. Through the Newfoundland and Labrador Housing Rent Supplement Program, 225 rent supplement units in private rental accommodations were made available to tenants with low incomes between April 2008 and March 2009. The average supplement was $360 per month per household.

590. A new Affordable Housing Program was also established to support both private and non-profit housing groups in the construction of housing for persons with low incomes ($2.65 million), persons with disabilities ($550,000) and low-income seniors ($3 million).

(d) Homelessness

591. The Newfoundland and Labrador Housing Corporation allocates funding of $1 million annually to the Provincial Homelessness Fund, which provides capital investments to address space requirements for persons with complex needs who are often at risk of homelessness.

592. Through the Poverty Reduction Strategy, more than $2.7 million was invested in 2008-2009 to increase Income Support's assistance for shelter rates. This funding provides additional support on a case by case basis to respond to specific housing needs.

593. With respect to the issue of homeless girls, funding to the eight Women's Centers throughout the province has increased by over 55 percent on average from 2006 to 2009 to assist girls and women access the programs and services needed, including services with respect to shelters and assisted housing units to address accommodations needs.

(e) Persons with disabilities

594. Income assistance benefits for both individuals and families increased by a cumulative average of 11.6 percent from 2006 to 2009. In the area of disability benefits, the provincial government has increased funding to adults with disabilities living with family members so that they receive the same board and lodging supplement as people with disabilities who live with non-relatives. This change has resulted in an increase of up to $362 per month, or $4,344 annually, per person. Approximately 1,700 persons with disabilities have benefitted from this increase as of March 2009.

(f) Seniors

595. Increases in the Newfoundland and Labrador Housing Rent Supplement Program for all housing tenants aged 55 and over resulted in a rent reduction of approximately $42 a month ($500 a year) for close to 1,500 seniors living in social housing units.

(g) Right to food

596. In addition to the above-noted Air Food-lift Subsidy for the coastal communities of Labrador, the provincial government continues to fund Kids Eat Smart Programs throughout the province. As of March 31, 2009, government funding helped 190 Kids Eat Smart programs to provide healthy meals to 17,000 children.

Article 12: Right to physical and mental health

Right to water

597. Issues of sanitation and safe drinking water are matters jointly addressed by both the provincial and municipal levels of government. In particular, the provincial Department of Environment and Conservation, in partnership with municipal governments, monitors

source and tap water quality of public water supplies on a regular basis to ensure compliance with federal *Guidelines for Canadian Drinking Water Quality*. The data is provided to the public on a regular basis through the Environment and Conservation web page. With respect to both safe drinking water and sanitation, any issues identified by the public may be reported to the department through its main headquarters or through regional government service centers so that the issues may be addressed.

Article 13: Right to education

598. Department of Education officials indicate that there are no programs that address the educational needs of African Canadians in particular, but programs respecting the sensitivities of a number of cultural groups are instituted in the Kindergarten-12 school regime. The department is in regular consultation with various groups such as the Association for New Canadians, a provincial organization representing the interests of new and recent immigrants to the province, to ensure that educational programs instituted in the province's elementary and secondary schools appropriately address cultural standards where warranted.

IV. Measures adopted by the Governments of the Territories

Yukon

General

599. The Yukon Government's fiscal situation has not impacted the funding of social programs. Programs have not been eliminated nor has funding been reduced for 2010-2011.

Article 2: Rights specifically subject to non-discrimination provisions

Amendments to the Human Rights Act

600. In November 2007, an all-party committee on human rights appointed by the Yukon Legislative Assembly issued its report after holding public hearings across the territory. The committee made 25 recommendations concerning changes to the territorial human rights legislative framework, to be carried out in two phases.

601. In the spring of 2008, the Yukon Government responded to the report by introducing amendments to the Human Rights Act to address eight of the 25 recommendations. The amendments will accomplish four major objectives:

1. Improve access to the complaints process by increasing the timelines and clarifying the basis on which a complaint can be filed;
2. Simplify the complaints process by increasing the reasons why a complaint is not investigated, allowing for direct referral to mediation or decision without investigation and clarifying the relationship of the human rights complaint process to other procedures and legislation;
3. Modernize some of the language based on specific wording recommendations by the committee, recognizing there is more work to do in future;
4. Clarify the language around the panel of adjudication and boards of adjudication, specify the number of members for each and the process, and outline the panel's accountability to the Legislature.

602. The Yukon Government worked with the Human Rights Commission on amendments to the human rights regulations to ensure consistency with the revised Act. The amendments to the Act and the regulations were proclaimed on December 10, 2009, International Human Rights Day, completing the first phase of the modernization of the Yukon's human rights legislative framework. Work is underway on phase two of the project, beginning with the all-party committee recommendations dealing with roles, responsibilities and processes.

Article 6: Right to work

Employment equity and workplace diversity

(i) *Private sector*

603. Regarding employment in the private sector, the government of the Yukon Territory does not collect data on employment equity. However, a complaint has never been filed under the Employment Standards Act, which provides as follows under Part 7 - Equal Pay Sex Discrimination:

> "44. No employer or person acting on behalf of an employer shall discriminate between male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or vice versa, employed by the employer for similar work performed in the same establishment under similar working conditions and the performance of which requires similar skill, effort, and responsibility, except when the payment is made pursuant to
>
> (a) A seniority system;
>
> (b) A merit system;
>
> (c) A system that measures earnings by quality or quantity of production; or
>
> (d) A differential based on any factor other than sex." *R.S., c.54, s.42.*

(ii) Public sector

604. Regarding the Yukon public service, the Employment Equity Policy and Guidelines identify the following designated employment equity groups: women; persons of Aboriginal ancestry; and persons with disabilities.

a. Women

605. A gender analysis of Yukon government employees (2008) shows that:

- Women represented 63.2 percent of the workforce in 2008, 63.1. percent in 2007 and 62.8 percent in 2006; and
- Women occupy a larger number of jobs than men in all job categories except senior management.

b. Aboriginal people

606. The goal of the Yukon government is to have a public service that is representative of the population it serves:

- The Corporate Representative Public Service Plan (RPSP) and Traditional Territory RPSPs were inspired by Chapter 22 of the Yukon First Nation Final Agreements;

- The First Nation Training Corps provides for training positions in the Yukon government for Yukon First Nation people;
- The Yukon government Aboriginal Employee Forum provides Aboriginal employees with a place to network, learn corporate organizational values in culturally relevant ways, have cultural support system and connect with Aboriginal role models;
- The Aboriginal Employees Award of Honour recognizes the contributions of Aboriginal employees to the Yukon public service.

607. The 2006 Census of Canada identified Aboriginal people as representing 21 percent of the Yukon population aged 25 to 64 (working age population). As of December 2008, 14 percent of the Yukon government's workforce (392 individuals) self-identified as Aboriginal or of Aboriginal ancestry in the Government of Yukon Workforce Census.

c. Persons with disabilities

608. Employment equity initiatives for persons with disabilities employed by the Yukon government include designated employment opportunities in the Document Disposal Centre, an auxiliary-on-call program, and other initiatives. These measures have resulted in: an increase in weeks of employment for participating job seekers from outside of government; enhanced sensitivity to disability issues by government employees; and, an increased awareness among members of the disability community of the Yukon government as an employer of choice. Employees with disabilities or who become disabled are "accommodated" so that they can work to their full capacity. You may find the Employment Equity Policy and Guidelines at: www.psc.gov.yk.ca/pdf/3_55.pdf.

Article 9: Right to social security

609. Social assistance rates in Yukon increased in July 2008; in November 2009, the territory began adjusting rates annually to reflect changes in the Consumer Price Index. The number of those accessing social assistance has been steadily increasing since late 2008.

610. The Child Tax Benefit is no longer included in calculating the net monthly income of social assistance recipients when determining their assistance level.

611. In July 2008, a 50 percent earned income exemption was put in place for social assistance beneficiaries, in order to encourage them to return to the workforce. The waiting period to benefit from the earned income exception was removed.

612. Amendments to the Social Assistance Regulations provide additional support funding for persons with severe and prolonged disabilities, permitting greater community integration.

613. A Reciprocal Billing Agreement was reached between the Yukon government and those First Nations that have a land claims settlement with the government. The Agreement will ensure consistency in social assistance rates across Yukon and a more integrated and seamless service for beneficiaries.

Article 10: Protection of the family, mother and child

614. The Child and Family Services Act, assented to on April 22, 2008, is the result of the Yukon government's full revision of the Children's Act, as announced in Canada's Fifth Report on the ICESCR. The new Act now includes mandatory reporting of child abuse and neglect; increased involvement of extended families and First Nations in decision-making and caring for children; and transitional provisions for youth (aged 19-24) who have been in care. It may be accessed at: www.gov.yk.ca/legislation/acts/chfase.pdf.

615. The territorial government's Women's Directorate financially supports the Victoria Falkner's Women's Centre, which added a rural pregnant mothers program that provides women from Yukon communities with a place to stay prior to delivery.

(a) Child care

616. In 2008, an overall increase of 70 percent to the wage component of the Direct Operating Grant was effected. This grant is paid to licensed child care programs based on the level of training of their child care workers. The increase is intended to encourage more individuals to access training and to pursue a career in Early Childhood Education.

617. Over the reporting period, child care subsidies for low-income Yukoners were raised from $450 dollars a month to $650 a month and the Yukon Child Benefit for low-income Yukoners was increased from $37.50 to $57.50 per month per child. The income range eligible for the maximum benefit was raised from $25,000 to $30,000.

(b) Domestic violence

618. The Department of Justice and the Women's Directorate collaborated to develop the Victims of Crime Strategy, which was released in August 2009. The Strategy includes the Canadian Statement of Basic Principles of Justice for Victims of Crime, as developed by the federal Policy Centre for Victims Issues and agreed to by all provinces and territories. The Strategy is online at: www.justice.gov.yk.ca/pdf/Victims_of_Crime_Strategy.pdf.

619. In 2008 and 2009, the Women's Directorate provided $300, 000 through the Prevention of Violence against Aboriginal Women Fund to Aboriginal women's groups.

620. Yukon funds the position of Women's Advocate at the Victoria Falkner's Women's Centre, which provides support and referrals on issues such as domestic violence, housing, legal issues, social assistance and child custody.

Article 11: Right to an adequate standard of living

(a) Minimum wage

621. The authority to set the minimum wage rate in Yukon rests with the Employment Standards Board. During 2005-2006, it undertook a public consultation of employees, employers and the general public on proposed changes to the minimum wage rate. Strong support from both employers and workers was shown for annual changes to the Yukon's minimum wage in correlation with fluctuations in the Consumer Price Index (CPI), in recognition of the increasing cost of living. In March 2006, the Board issued a recommendation to that effect, which was adopted by the Yukon Government.

622. In January 2010, Statistics Canada released the annual CPI figures, noting a 0.4 percent annual average increase for 2009. Effective April 1, 2010, the Yukon minimum wage will increase to $8.93 per hour.

(b) Measuring poverty

623. In 2009, the territorial governments of Yukon, Nunavut and the Northwest Territories began development of a Northern Market Basket as a northern, regional measure of poverty. It is anticipated that the measure will not be ready until 2011.

(c) Poverty reduction

624. The Yukon Government has undertaken a number of initiatives to combat poverty during the reporting period, including a 26 percent increase to social assistance rates in

July 2008 and a doubling of the territorial income supplement for low-income Yukoners. Both benefits have been indexed to annual changes to the CPI.

(d) Homelessness

625. The following projects are designed to prevent homelessness or assist those who are:

- Yukon provided money to the Help and Hope for Families Society of Watson Lake in 2009 in order to construct four new second stage housing units;
- The Whitehorse Affordable Family Housing Project was announced in 2008 and construction began in the spring of 2009;
- The Yukon Housing Corporation amended social housing eligibility and housing priority policies to include victims of violence or abuse;
- Yukon introduced the Social Inclusion Strategy, which will address the multiple barriers of poverty, including homelessness, and their impact on social engagement.

(e) Right to food

626. Beneficiaries of social assistance who also receive a food allowance have seen rates of assistance established in accordance with the National Nutritious Food Basket guidelines and actual food costs in Whitehorse, the capital of Yukon. A further revision of food cost assistance on the basis of issues of gender, age and location has been undertaken.

Article 12: Right to physical and mental health

627. In 2008, the Yukon government announced the new Family Support to Children with Disabilities Program, which will provide children with disabilities with coordinated access to services and interventions, and early interventions to maximize their potential. Support for integration of children with disabilities into community life with the provision of aides, expanded behavioral therapies for those children who require it, and increased training for staff and local professionals will meet very specific individual needs. Yukon has a small number of children with disabilities but with a wide variety of disabilities, such as cerebral palsy, muscular dystrophy and Down syndrome.

628. A spring 2007 survey of government front-line workers led to the release by the Women's Directorate of a report entitled "*Improving Treatment and Support for Yukon Girls and Women with Substance Use Problems and Addictions*". The report was the impetus for training sessions to provide front-line workers with an overview of key gender differences in substance use and addiction and advances in evidence-based, women-centered practice and policy in this field.

629. In December 2008, Yukon government committed $245,000 annually to a mammography program to protect the health of Yukon women.

630. In 2008, Yukon launched an immunization program for girls in Grades 5, 6 and 7 against the Human Papilloma Virus. It also introduced an Early Psychosis Intervention initiative and a chronic disease collaborative care initiative.

Northwest Territories

Article 2: Rights specifically subject to non-discrimination provisions

631. The Human Rights Act, which came into force in 2004, provides as follows with respect to pay equity: "Where employees employed in the same establishment perform the same or substantially similar work for an employer, no person shall, on the basis of a

prohibited ground of discrimination... [pay] the employee or by causing or contributing to the employee being paid, at a rate of pay less than the rate paid to other such employees.".

Article 10: Protection of the family, mother and child

(a) Child care

632. Beginning April 1, 2007, financial supports available to licensed family day homes and non-profit child care facilities were increased by the Government of the Northwest Territories (GNWT). Contributions for both the start-up and operation of family day homes and child care facilities increased by 30 percent. In addition, $125,000 in new funding was made available to provide licensed, non-profit child care facilities with assistance towards rent or mortgage costs.

(b) Foster care

633. The GNWT aims to protect children and vulnerable individuals from abuse, neglect and distress through the provision of intervention programs and protection services for those individuals and families who require special assistance to meet their basic needs. In 2007-2008, funding was approved for standardization of foster care rates in the Northwest Territories, specifically basic maintenance rates and age-of-child rates. The new rate structure will give foster families additional funds for clothing and recreation and supplementary funds based on a child's age.

(c) Family violence

634. The Protection against Family Violence Act, which came into force in 2005, provides victims of family violence with a new, easily accessible remedy: Emergency Protection Orders (EPOs), which put the burden of proof on the violent family member. EPOs have had a significant impact, particularly in smaller, remote communities where victims have historically had few choices except to leave their communities with their children. Since the legislation was enacted, over 400 victims have applied for emergency protection. Over half of the applications are initiated in communities outside of Yellowknife, the capital.

635. The emergence of EPOs as a remedy to family violence is a relatively new phenomenon in the North, which supports the government's position that citizens have a right to be safe in their own homes. They have had a significant impact by challenging communities to respond to family violence in a new way. A detailed picture of the Act's impacts will be available once a planned five-year evaluation is completed. The Act is available at: www.justice.gov.nt.ca/FamilyViolence/FVPAExplained.shtml.

636. In 2004, the GNWT released its Response to the Northwest Territories Action Plan on Family Violence (2003-2008): A Framework for Action. The follow-up action plan – Framework for Action Phase 2 – was developed collaboratively between the Coalition against Family Violence and the GNWT. This action plan identified the need for programming that addresses the needs of men who use violence in their intimate and partner relationships.

637. The GNWT is now working with NGOs and social agencies to develop treatment programs for abusers that can accommodate voluntary and mandatory clients. The goals of the program are to reduce violent behaviour and re-offending rates among violent men. This program is part of a larger system of accountability and safety, and will provide violent men with an alternative way of behaving with their partners, their children and their communities because research shows women and children are at greatest risk of harm in intimate partner violence. The program seeks to reduce spousal violence recidivism, hold

abusers accountable for their behaviour, decrease risk to victims, teach new skills/provide new opportunities, and be culturally responsive.

Article 11: Right to an adequate standard of living

(a) Minimum wage

638. As of April 1 2010, the minimum wage for the Northwest Territories increased to $9.00 per hour, with a further increase to $10.00 scheduled to take effect on April 1, 2011. These first increases to the minimum wage since 2003 are due in part to the fact that the territory's minimum wage rate had fallen behind the national average, an issue amplified by the very high cost of living in the north. The government also responded to the desire of workers and businesses for an increase as the economy began to falter in late 2008 and 2009. It is important that residents earn sufficient wages to be independent while contributing to the economic activity of the Northwest Territories.

(b) Combating poverty

639. In the summer of 2004, the GNWT initiated the re-design of income security programs in the Northwest Territories. The new model, which abandons the notion that Income Security Programs are programs of last resort, is geared to the specific needs of seniors, persons with disabilities, families and single persons. It emphasizes the importance for government departments and other agencies to work together to meet the unique needs of individuals and families. The new program provides an adequate level of support for those with no income, with the level of support diminishing by a percentage of subsequent income earned. The model ensures that citizens have access to all programs in all communities. Benefit levels are reflective of the cost-of-living and the definition of "income" has been changed to ensure that people are treated equally.

640. These changes went into effect in September 2007 and should, over time, help reduce poverty, and lead to more self-sufficient individuals and families.

(c) Homelessness

641. Launched in May 2007, the Small Community Homeless Fund (SCHF) is a cross-department initiative that supports local governments and agencies in creating projects designed and implemented by community members to respond to local homelessness issues. This application-based program provides up to $40,000 in funding for Emergency Shelter Projects or up to $10,000 for Homelessness Support Projects.

642. In 2007-2008, the GNWT approved six applications from five communities under the SCHF. Each project demonstrated creative uses of existing community resources, buildings and skills, and integrated several partnerships to extend the impact and use of the limited funding. A total of $170,000 was provided to organizations to help take care of the needs of homeless persons.

643. In 2006, the GNWT implemented the Homelessness Assistance Fund, which provides money for homeless individuals who require transportation to another community where they will no longer be homeless. The Fund also has assisted numerous individuals at risk of becoming homeless by providing funds on a short term emergency basis.

644. The GNWT continues to be an active member of the Yellowknife Homelessness Coalition, the force behind the concept and construction of the Bailey House Transitional Housing Project for homeless men (a 32-bed transitional housing facility). The Coalition is now directing its energies toward developing a similar facility for women.

(d) Right to food

645. In 2008, the GNWT passed the Donation of Food Act, which ensures that those who donate food or who distribute donated food are not liable for possible harm caused to those who consume it (unless the harm was intentional or due to reckless behaviour). The Act has enabled the recovery of a significant quantity of food from grocers and other food agencies (57, 152 kg in 2009). Recovered food has been reprocessed and distributed to Yellowknife NGOs delivering food and meals for those in need.

646. The Canada/Northwest Territories Growing Forward Bi-Lateral Agreement provides $3.2 million over five years, up to 2013, to support profitable, innovative, competitive, market-oriented agriculture, agri-foods and agri-based industry. Import substitution is intended for communities with a high cost of living and low income levels. Funding is allocated as follows: 46 percent to commercial and traditional harvest; 33 percent to small scale food and northern agri-foods production; 4 percent to inter-settlement trade including freight subsidies for products grown and shipped within the Northwest Territories; and 17 percent to other initiatives.

647. The GNWT employs a Nutrition Coordinator who provides support to regional and community agencies, groups, health and social service providers, teachers and other government departments to plan, develop, manage, evaluate and implement nutrition programs to enable residents to achieve and maintain optimum nutritional well-being.

(e) Right to water

648. The GNWT, the Government of Canada, representatives of Aboriginal governments, regional organizations, communities, environmental non-governmental organizations, co-management boards and agencies, industry and residents contributed towards the development of the NWT Water Stewardship Strategy entitled Northern Voices, Northern Waters.

649. The Strategy is a collaborative, multi-stakeholder approach to the responsible management of water resources both within the Northwest Territories and upstream. The Strategy will result in more effective water stewardship, and ensure that water quality, quantity and ecological productivity will not be degraded. The Strategy ensures that the water resources used to meet the needs of the present generation will not compromise the ability of future generations to meet their own needs. An integral aspect of the Strategy is its balanced approach to traditional and scientific knowledge. It promotes an ecosystem-based approach to integrated watershed management which includes the concepts of natural capital and sustainability accountability. It may be found at the following address: www.enr.gov.nt.ca/_live/documents/content/Northern percent20Voices percent20Northern percent20Waters-Discussion percent20Paper-FINAL.pdf.

Article 12: Right to physical and mental health

650. The GNWT established a four-year contribution agreement (ending in 2009-2010) with the NWT Seniors' Society, which provides the following activities: the Seniors Information Line, the Seniors Advisory Council, Seniors Awareness Week and the Canada Senior Games. Also included in this contribution agreement was $100,000 per year in funding for four years, to enhance and develop options for senior-specific community outreach programs.

Nunavut

Article 6: Right to work

(a) Right to work in Inuit language

651. In September 2008, the Government of Nunavut passed the Inuit Language Protection Act, which designates the Inuit language as a language of work in territorial institutions and gives employees the right to work in the Inuit language. This is intended to increase the number of Inuit language speakers within the public service. The Act imposes upon territorial institutions the obligation to eliminate barriers faced by those who speak the Inuit language and to implement measures to increase the use of the Inuit language in the workplace.

(b) Expansion of the Nunavut nursing program

652. The Nunavut Arctic College Nursing Program was expanded and is now offered in three Nunavut communities, in an effort to enable citizens outside of the capital city of Iqaluit to have access to training opportunities.

Article 11: Right to an adequate standard of living

(a) Senior Citizen Supplementary Benefit

653. The Senior Citizen Supplementary benefit was increased from $135 to $175 per month.

(b) Minimum Wage

654. The minimum wage was increased to $10 per hour for all employees, in an effort to provide economic support to the lowest wage earners.

Article 12: Right to physical and mental health

(a) Elders Support Phone Line

655. The Government of Nunavut introduced an Elders Support Phone Line pilot project as a response to the growing issue of elder abuse in the territory. The phone line is intended to offer elders peer-to-peer counselling as well as to enable Government to gauge the extent of the problem and to help plan programs and policies geared to elders.

(b) Suicide prevention strategy

656. From May to October 2009, the Government of Nunavut conducted community consultations throughout the territory on developing a suicide prevention strategy. A database was created to capture all advice and recommendations and a summary report of the community consultations was released in April 2010. The two-day Applied Suicide Intervention Skills Training course is being adapted accordingly. Trainer training was delivered in 2009 and the adapted course will be delivered starting in 2010.

Article 13: Right to education

(a) New Education Act

657. In September 2008, the Government of Nunavut passed a new Education Act in accordance with Inuit traditional values. This Act provides for bilingual education for all

students and a revised curriculum that emphasizes Inuit culture in every aspect of the education system.

(b) Right to education in the Inuit language

658. The Inuit Language Protection Act was passed by the Government of Nunavut in September 2008, giving all parents the right to have their children educated in the Inuit language. The Act will be implemented on a gradual basis, with a target date of 2018 for Inuit language teaching for all grades.

(c) Nunavut Languages Summit

659. Approximately 250 people, from Alaska to Greenland, attended the Nunavut Languages Summit held in Iqaluit in February 2010. Presentations included overcoming barriers to the Inuit language, and the importance of leadership and role models in maintaining and advancing the use of Inuktitut. Much of the session focused on implementing the Inuit Language Protection Act.

Article 15: Right to take part in cultural life and to benefit from scientific progress and the protection of authors' rights

Inuit Cultural Facility

660. The Governments of Canada and Nunavut jointly invested in the construction of the Piqqusilirivvik Cultural Facility in Clyde River. The facility will provide Inuit elders with a forum to transfer traditional knowledge, lifestyles and values to Inuit youth, and to enable the preservation of Inuit culture and language.

Annexes

Annex I

Review of Jurisprudence

Article 2: Rights Specifically Subject to Non-discrimination Provisions

In *Ermineskin Indian Band and Nation v. Canada*, 2009 SCC 9, the applicants were Indian Bands under the Indian Act. The Supreme Court of Canada held that the Crown had not breached its fiduciary duty and that the treaty in question did not impose an obligation to invest monies held by the Crown on behalf of the Band. The requirement that Indian Bands cede their land to the Crown so that the latter may undertake financial transactions on the Bands' behalf was not found to be discriminatory within the meaning of section 15 of the Canadian Charter of Rights and Freedoms (the Charter), because it takes into account the special nature of the relationship between the Indian bands and the Crown.

For a summary of the Supreme Court of Canada decision in *R. v. Kapp*, 2008 SCC 41, on its approach to interpreting the right to equality in section 15(1) of the Charter, see Canada's combined Nineteenth and Twentieth Report under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

In *Council of Canadians with Disabilities v. VIA Rail Canada Inc.*, 2007 SCC 15, VIA Rail Canada Inc., the national passenger rail service provider, purchased 139 rail cars that were inaccessible to persons with disabilities using personal wheelchairs. VIA claimed that the cars were sufficiently accessible and that its employees would transfer passengers into on-board wheelchairs and assist them with services, such as washroom use. The Council of Canadians with Disabilities applied to the Canadian Transportation Agency (the Agency) under section 172 of the Canada Transport Act, complaining that many features of the cars constituted obstacles to the mobility of persons with disabilities. The majority of the Supreme Court of Canada found that the Agency correctly incorporated the human rights duty to accommodate to the point of undue hardship (reasonable accommodation) into its analysis, and was correct in finding that VIA had to make the required modifications in order to respect its duty to accommodate persons with disabilities using personal wheelchairs.

In *Guzman v. Canada* (*The Minister of Citizenship and Immigration*), 2007 FCA 358, the Minister of Citizenship and Immigration rejected Ms. Velasquez Guzman's application to sponsor her husband pursuant to paragraph 133(1)(k) of the Immigration and Refugee Protection Regulations given that she was a recipient of social assistance for a reason other than disability. The applicant sought judicial review in the Federal Court claiming that paragraph 133(1)(k) violates section 15 of the Charter in that it discriminates on the basis of receipt of social assistance. The Federal Court found that the distinction between those who are and those who are not in receipt of social assistance was not based on a personal characteristic under the first branch of the test for analyzing section 15 Charter claims. The receipt of social assistance, in the particular circumstances of the applicant, is not an essential quality that constitutes a recognizable and distinctive part of her person. The Federal Court found no section 15 Charter violation. The Federal Court of Appeal dismissed the appeal as moot, since the applicant's husband had left Canada. The Supreme Court of Canada dismissed the application for leave to appeal, and did so, as per its usual practice, without reasons.

The main issue in *Tomasson v. Canada (Attorney General)*, 2007 FCA 265, was whether provisions of the Employment Insurance Act (the Act), which grant maternity benefits only to biological mothers, violated adoptive mothers' equality rights under section 15 of the Charter. Section 12 of the Act provides that a biological mother can combine 15 weeks of maternity benefits with 35 weeks of parental benefits, while adoptive parents are limited to 35 weeks of parental benefits. The Federal Court of Appeal stated that the purpose of the maternity benefits under the Act is to replace the income of insured pregnant women and biological mothers while they recover from pregnancy and childbirth and to ensure that they do not suffer any disadvantages when they return to the workforce. Given that the maternity benefits were created to ensure that biological mothers, a disadvantaged group, were accommodated in the workplace, the Court concluded that the distinction between biological mothers and adoptive mothers was not discriminatory within the meaning of section 15 of the Charter. The Supreme Court of Canada dismissed the application for leave to appeal, and did so, as per its usual practice, without reasons.

Article 3: Equal rights of women and men

In *Sagen v. Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games*, 2009 BCCA 522, the appellants, all women ski jumpers, sought a declaration that the hosting of only men's ski jumping events by the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games (VANOC) would violate their equality rights, as guaranteed in section 15(1) of the Charter, and that the infringement could not be justified as a reasonable limit under section 1 of the Charter. The British Columbia Court of Appeal held that the Charter does not apply to the selection of events to be staged at the Games, such that section 15(1) of the Charter could not assist the appellants' claim of gender discrimination. The Court found that, on the facts and the principles relating to the application of the Charter developed under section 32, neither of the federal, provincial and municipal governments involved in hosting the Games nor VANOC had any authority to make or to alter the decision of the International Olympic Committee (IOC) not to include a women's ski jumping event in the 2010 Games based on the proposed event's failure to meet the technical criteria for inclusion of Olympic sporting events. The IOC's decision not to add women's ski jumping as an event in the 2010 Games was not a "policy" choice that could be or was made by any Canadian government and the staging by VANOC of only those events authorized by the IOC cannot reasonably be viewed as furthering any Canadian government policy or program. The Court further found that even if the Charter applied to VANOC in respect of the impugned conduct in this case, the claims under section 15(1) could not succeed as the availability of ski jumping events at the 2010 Games could not be categorized as a failure to provide equal benefit of the law for the purposes of section 15(1). The Supreme Court of Canada dismissed the application for leave to appeal, and did so, as per its usual practice, without reasons.

For a summary of the British Columbia Court of Appeal decision in *McIvor v. Canada*, 2009 BCCA 153, regarding a finding of discrimination against Aboriginal women and children on the basis of sex in establishing their entitlement to be registered as an Indian, see Canada's combined Nineteenth and Twentieth Report under ICERD. The Supreme Court of Canada dismissed the application for leave to appeal, and did so, as per its usual practice, without reasons.

Article 7: Right to just and favorable working conditions

In *Canada (Human Rights Commission) v. Canadian Airlines International Ltd.*, 2006 SCC 1, the plaintiff, the Canadian Union of Public Employees, filed a complaint with the

Canadian Human Rights Commission, alleging that Air Canada violated section 11 of the Canadian Human Rights Act (CHRA) by discriminating against flight attendants, a predominantly female group, by paying them differently than mechanics and pilots, who were predominantly male. The Act makes it discriminatory for employers to pay different wages for men and women performing work of equal value in the same establishment. Under section 10 of the Equal Wages Guidelines, 1986, which supplements section 11 of the CHRA, employees subject to a common personnel and wage policy will be in the same establishment, for the purpose of the implementation of section 11 of the Act. In interpreting the meaning of "establishment", the Supreme Court of Canada held that "establishment" should not be limited by aspects of geography, region or differing collective agreements. Given this interpretation, the Court found that flight attendants, mechanics and pilots make up an establishment within the meaning of section 11 of the Act. The Court then remitted the case to the Commission for the continuation of its pay equity investigation.

Article 8: Trade union rights

In *Health Services and Support – Facilities Subsector Bargaining Assn. v. British Columbia*, 2007 SCC 27, the Supreme Court of Canada found that the freedom of association protected by section 2(d) of the Charter includes a procedural right to collective bargaining, protecting against substantial governmental interference with this process and imposing certain positive duties on government employers. As well, the Court found that the Charter protects a hybrid of a collective and an individual right – an individual right to form associations with other individuals and a collective right to present majority representations to an employer. The Court relied in part on the recognition at international law that collective bargaining is protected by the freedom of association, looking to three treaties to which Canada is a party, including the ICESCR. It reiterated that the Charter should be presumed to provide at least as great a level of protection as is found in the international human rights instruments that Canada has ratified.

In *McGill University Health Centre (Montréal General Hospital) v. Syndicat des employés de l'Hôpital général de Montréal*, 2007 SCC 4, Ms. Alice Brady was terminated on account of her prolonged absence from work due to health problems. The respondent filed a grievance in which it contested the decision and asked the hospital to negotiate a reasonable accommodation for Ms. Brady. The Supreme Court of Canada found that the collective agreement plays an important role in determining the scope of the employer's duty to accommodate under section 10 of the Québec Charter of human rights and freedoms, however, it does not definitively determine the specific accommodation measure to which an employee is entitled because each case must be evaluated on the basis of its particular circumstances. The right to equality is a fundamental right, and the parties to a collective agreement cannot agree to a level of protection that is lower than the one to which employees are entitled under human rights legislation. If the period provided for in the termination of employment clause is less generous than the one to which the employee is entitled under human rights legislation, the clause will have no effect against the employee and the employer will have to propose further measures to accommodate him or her. The Court found that in the case at bar, the three-year period provided for in the collective agreement, which was longer than those provided for in a number of statutes and collective agreements, represented a reasonable accommodation.

In *Fraser v. Ontario (Attorney General)*, 2008 ONCA 760, the central issue before the Court of Appeal for Ontario was whether the Agricultural Employees Protection Act (AEPA) violated section 2(d) of the Charter by failing to provide agricultural workers in Ontario with sufficient statutory protections to enable them to exercise their freedom to organize and their right to bargain collectively. The claimants had also brought a section 15

right to equality claim, which the Court dismissed, finding that "agricultural worker" is not an analogous ground of discrimination within the meaning of section 15. The Court found that the AEPA substantially interferes with the right protected by section 2(d) in that it fails to provide sufficient protections to enable agricultural workers to engage in a meaningful process of collective bargaining. It further found that the government's legislative actions in the realm of labour relations are responsible for the appellants' inability to engage in a meaningful process of collective bargaining. The Court concluded that the failure of the AEPA to provide protections for collective bargaining constitutes a breach of section 2(d) that cannot be justified as a reasonable limit under section 1 of the Charter. As a result, the Court declared the AEPA invalid and ordered the government to provide agricultural workers with sufficient protections to enable them to exercise their right to bargain collectively. The Supreme Court of Canada has granted the application for leave to appeal. The appeal was heard in December 2009 and a judgment is pending.

In *Mississaugas of Scugog Island First Nation v. National Automobile, Aerospace, Transportation and General Workers Union of Canada*, 2007 ONCA 814, the appellant, a registered Indian Band under the Indian Act, had enacted a Labour Relations Code (the Code) to govern collective bargaining in relation to a casino that operates on its reserve lands. The appellant asserted its right to enact the Code and to displace the Ontario Labour Relations Act under its aboriginal and treaty rights recognized in section 35 of The Constitution Act, 1982. The Ontario Court of Appeal found that the appellant failed to make out its claim that aboriginal rights include the right to regulate labour relations on aboriginal lands. Additionally, the Court concluded that treaty rights have nothing to do with and do not speak in any way to the regulation of activity as between employers and employees. It held that to accept the treaty argument would be to accept an aboriginal right of self-government on reserve lands of unlimited breadth and amplitude and exceeding the jurisprudence on aboriginal treaty rights. The Supreme Court of Canada dismissed the application for leave to appeal, and did so, as per its usual practice, without reasons.

Article 9: Right to social security

In *Canada (Attorney General) v. Hislop*, 2007 SCC 10, the Supreme Court of Canada considered whether remedial amendments to the Canada Pension Plan, which came into force in 2000 and sought to eliminate distinctions based on sexual orientation, but had the effect of limiting the payment of benefits to same-sex survivors of contributing partners, were discriminatory. The Court held that eligibility criteria applying only to same-sex survivors, requiring that the death of their contributing partner had occurred on or after January 1, 1998, amounted to unjustifiable discrimination on the analogous ground of sexual orientation, and the government failed to demonstrate a pressing and substantial objective to justify this differential treatment. It therefore upheld the Ontario Court of Appeal's decision to render this provision of no force and effect.

In *Tranchemontagne v. Ontario (Director, Disability Support Program)*, 2006 SCC 14, the appellants applied for support pursuant to the Ontario Disability Support Program Act, 1997 (ODSPA). The Director of the program denied their applications. The Social Benefits Tribunal (Tribunal), a provincially-created statutory tribunal, dismissed the appellants' appeals pursuant to section 5(2) of the ODSPA based on its finding that they both suffered from alcoholism. In so doing, the Tribunal found that it did not have jurisdiction to consider whether section 5(2) was discriminatory and inapplicable by virtue of the Ontario Human Rights Code (Code). In the appeal before the Supreme Court of Canada, the majority recalled that the Code was fundamental, quasi-constitutional law and that its primacy had been provided for in the Code. Accordingly, as a statutory tribunal empowered to decide questions of law, the Tribunal could apply all law, including the Code, to determine whether or not the appellants were eligible for income support. The case was remitted to the

Tribunal, which found that section 5(2) of the ODSPA is discriminatory and inconsistent with the Code and concluded that the claimants were entitled to income support under the ODSPA. The Tribunal's decision was upheld by the Ontario Superior Court of Justice in *Ontario Disability Support Program v. Tranchemontagne* (2009), 95 O.R. (3d) 327.

Article 11: Right to an adequate standard of living

In *Victoria (City) v. Adams*, 2009 BCCA 563, 70 homeless people set up a "tent city" in a public park in the City of Victoria. The British Columbia Court of Appeal found that the impugned bylaws and operational policy, which prohibited persons from erecting temporary shelters on public property, constituted an interference with the life, liberty and security of homeless persons, contrary to section 7 of the Charter. The Court held that the effect of the prohibition was to impose significant and potentially severe additional health risks upon homeless persons. Further, sleep and shelter were necessary preconditions to any kind of security, liberty or human flourishing. The prohibition was found to be both arbitrary and overbroad and hence not consistent with the principles of fundamental justice enunciated in section 7. The infringement was found not to be justified as a reasonable limit that is demonstrably justified in a free and democratic society, pursuant to section 1 of the Charter.

Article 12: Right to the enjoyment of the highest attainable standard of physical and mental health

In the matter of *Chaoulli v. Québec*, 2005 SCC 35, the long wait times for access to publicly funded health care, coupled with the prohibition on private health insurance, were challenged as a deprivation of the right to life, liberty and security of the person guaranteed by section 7 of the Canadian Charter, as well as the right to life, personal security, inviolability and freedom as guaranteed by section 1 of the Québec Charter of Human Rights and Freedoms (Québec Charter). The majority of the Supreme Court of Canada ruled that there was an unjustifiable infringement on the right to life and personal inviolability as protected by the Québec Charter. In terms of the Canadian Charter, the Supreme Court of Canada split evenly on the issue of whether prohibiting private health insurance that would permit ordinary Canadians to access private health care, while failing to deliver health care in a reasonable manner, thereby increasing the risk of complications and death, interferes with the right to life and security of the person as protected by section 7 of the Charter in a manner that is not consistent with the principles of fundamental justice.

In *Flora v. Ontario (Health Insurance Plan, General Manager)*, (2008), 91 O.R. (3d) 412 (C.A.), the Ontario Court of Appeal maintained the Health Services Appeal and Review Board's (Board) decision which upheld the Ontario Health Insurance Plan's (OHIP) refusal to reimburse the appellant for life-saving procedures he underwent overseas. In 1999, the appellant, who was diagnosed with liver cancer, was informed by Ontario doctors that he was not a suitable candidate for a liver transplant, and that he had approximately six to eight months to live. Subsequently, Mr. Flora obtained life-saving treatment in England. OHIP denied reimbursement to Mr. Flora on the basis that the treatment in question was not an "insured service" within the meaning of the Health Insurance Act (the Act) and section 28.4(2) of Regulation 552 to the Act. The Court of Appeal found no basis on which to interfere with the Board's decision to affirm the denial of OHIP funding, because the appellant failed to establish a deprivation of his rights to life or security of the person under section 7 of the Charter. Further, the Court of Appeal held that existing jurisprudence did not permit a judicial interpretation of section 7 as imposing a constitutional obligation on

the respondent to fund out-of-country medical treatments beyond those that satisfied the test set out in the Regulation.

Article 13: Right to Education

In *Multani v. Commission scolaire Marguerite-Bourgeoys*, 2006 SCC 6, the Supreme Court of Canada determined that the decision of a school board's council of commissioners to prohibit the appellant, an orthodox Sikh student, from wearing his kirpan at school, even with certain safety measures in place (such as ensuring that the kirpan is worn under clothes and sheathed at all times), infringes his freedom of religion protected under section 2(a) of the Charter. The majority of the Court noted that the appellant sincerely believed in wearing his kirpan every day to comply with the requirements of his religion. The majority of the Court further found that the interference with the appellant's freedom of religion was significant as it had deprived the appellant of his right to attend a public school. The infringement could not be justified as a reasonable limit under section 1 of the Charter. Although the council's decision to prohibit the wearing of a kirpan was motivated by a pressing and substantial objective, namely to ensure a reasonable level of safety at the school, and although the decision had a rational connection with the objective, it was not shown that such an absolute prohibition minimally impaired the appellant's rights.

In *Jean v. Canada (Indian Affairs and Northern Development)*, 2009 FCA 377, the appellants sought to set aside the Minister of Indian and Northern Affairs's decision to refuse financial assistance to students of the appellants' Band under a program which funds education services offered in band schools and federal schools for students who ordinarily reside on a reserve. They claimed that the criterion of residence on a reserve was of no force or effect for bands without a land base because it interfered with their equality rights as guaranteed by section 15 of the Charter. The Federal Court of Appeal, in dismissing the appeal, agreed with the trial judge that the appellants failed to demonstrate that the characteristic of being a "landless band" was an analogous ground of discrimination under section 15 of the Charter.

In *Wynberg v. Ontario* (2006), 269 D.L.R. (4th) 435, the plaintiffs alleged that the province's Intensive Early Intervention Program (IEIP) for autistic children aged two to five discriminates against autistic children aged six and over on the grounds of age and disability, contrary to their section 15 Charter right to equality, and infringes their liberty and security of the person interests under section 7 of the Charter by denying them access to intensive behavioral intervention consistent with the IEIP. The Ontario Court of Appeal found that Ontario's decision to only fund IEIP for autistic children age two to five was not discriminatory given that autistic children aged six and over were not considered to have suffered from a historical disadvantage as a result of stereotyping based on age. Second, the Court found that the IEIP corresponded with the needs and capacities of children under six although it did not correspond to the same extent with the needs and circumstances of children over six. The Court further held that exclusion from a targeted program made it less likely that the excluded group was thereby subjected to discrimination. With regard to the section 7 claim, the Court held that the existing jurisprudence did not allow for a section 7 interpretation that placed a constitutional obligation on governments to ensure that every school-aged autistic child had access to specific educational services. Thus there was no deprivation of a section 7 Charter right. The Supreme Court of Canada dismissed the application for leave to appeal, and did so, as per its usual practice, without reasons.

Article 15: Right to Participate in Cultural Life and Benefit from Scientific Progress and the Protection of Authors' Rights

In *Société des Acadiens et Acadiennes du Nouveau-Brunswick Inc. v. Canada*, 2008 SCC 15, the issue was whether, by agreeing in a contract to provide police services in the province of New Brunswick (N.B.), the Royal Canadian Mounted Police (RCMP), a federal institution, is required to fulfil the language obligations imposed on New Brunswick institutions by section 20(2) of the Charter. Section 20(2) provides that any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French. The appellant, Ms. Marie-Claire Paulin, whose action was joined with that of the Société des Acadiens et Acadiennes du Nouveau-Brunswick, was stopped for speeding in Woodstock, N.B. by a RCMP officer who could not speak French. The Supreme Court of Canada held that, pursuant to the agreement between the New Brunswick government and the Government of Canada, the RCMP assumes obligations related to the police service function set out in the provincial legislation. Thus, by participating in a function of the New Brunswick government, the RCMP has constitutional obligations imposed on it under section 20(2) of the Charter.

In *Cunningham v. Alberta (Aboriginal Affairs and Northern Development)*, 2009 ABCA 239, the appellants claimed that sections 75 and 90 of the Métis Settlements Act (MSA) were discriminatory within the meaning of section 15 of the Charter because they excluded those who registered voluntarily as Indians under the Indian Act. The appellants were excluded from the MSA after they had voluntarily registered as Indians under the Indian Act in order to receive health care benefits. The Alberta Court of Appeal found that exclusion of the appellants based on their Indian status was not rationally connected to the enhancement and preservation of Métis culture, identity and self-governance, given that the lineage required for Indian status was also required to be Métis. The differential treatment imposed by the impugned provisions was discriminatory, as the appellants were denied voting rights, participation in governance, access to cultural services, and the right to maintain a cultural connection. Such denial perpetuated a stereotype that the appellants were less Métis by virtue of their Indian status. The Court found that the appellants' rights protected by section 15 were breached in a manner that was not saved under section 1 of the Charter, as the provisions did not constitute a reasonable limit that is demonstrably justified in a free and democratic society. The Supreme Court of Canada dismissed the application for leave to appeal, and did so, as per its usual practice, without reasons.

Most of the decisions in this section can be found on the Canadian Legal Information Institute website: www.canlii.ca.

Annex II

Letter dated 22 June 2012 from the Permanent Representative of Canada to the United Nations addressed to the Secretary-General of the United Nations Conference on Sustainable Development

See the letter contained in document A/CONF.216/12.